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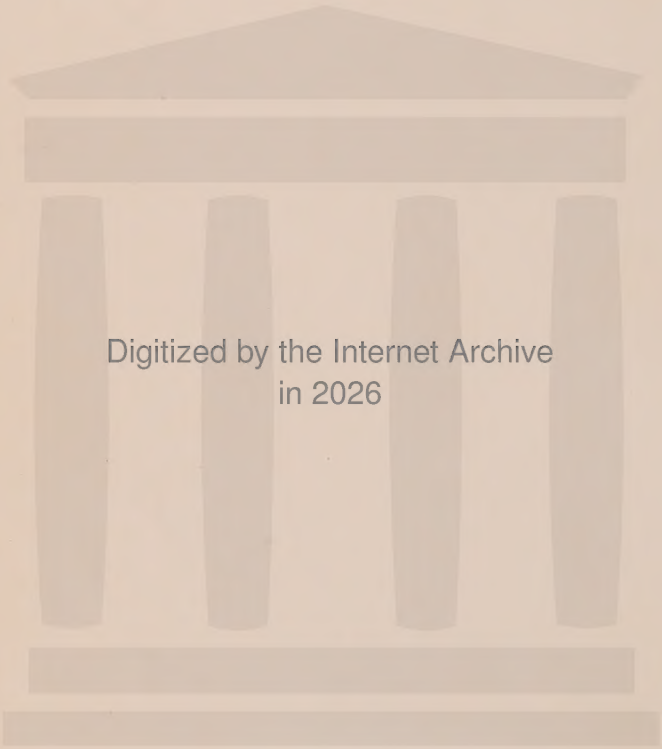
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THE

RISE, PROGRESS, AND PROSPECTS

OF THE

REPUBLIC OF TEXAS.

IN ONE VOLUME.

BY

WILLIAM KENNEDY, Esq.

(Reprinted From the Second Edition, Published at London in 1841.)

"Texas is one of the finest countries in the world; and yet the Europeans, eager as they have been to make conquests in America, have seemed, almost to the present day, ignorant of its existence."

History of Louisiana, by M. de Marbois, Peer of France, First President of the Court of Accounts, under Napoleon and Louis XVIII.

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TO

THE MOST NOBLE

THE MARQUESS OF NORMANBY

HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE HOME DEPARTMENT,

THIS WORK,

DESCRIPTIVE OF A FAIR AND FERTILE TERRITORY,

COMMEMORATIVE OF THE

STRUGGLE OF A FREE-BORN PEOPLE FOR THEIR RIGHTS,

AND ILLUSTRATIVE OF THE

PROGRESS OF THAT PEOPLE UNDER UNEXAMPLED

DIFFICULTIES,

IS, WITH PERMISSION,

RESPECTFULLY INSCRIBED.

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PERSONAL NARRATIVE.

PERSONAL NARRATIVE,

AND

INTRODUCTORY REMARKS

In the years 1836-37 my attention was attracted by statements, republished from the American newspapers by the press of this country, concerning the revolt of the province of Texas from the Mexican Republic. From these statements it appeared that the people of Texas were chiefly of Anglo-American origin, that they were altogether insignificant in number, compared with the inhabitants of Mexico, and that, nevertheless, they had succeeded in establishing their independence by force of arms. So far as books could furnish an acquaintance with a distant nation, I was no stranger to the growth of the United States and the energy of their inhabitants. Neither was I incapable of estimating the superiority of the North Americans to the mixed population which, under the general name of Mexican, lay scattered within and adjacent to the Tropic, yet still I could not clearly understand how the settlers of Texas were enabled to repel the armies of Mexico and to found a Republic of their own. Envying the leisure of those who can satisfy even a fleeting curiosity by

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travelling at once to the place where direct information may be obtained, I was obliged to trust for the gratification of mine to the revelations of the future.

The year 1838 unexpectedly opened to me a prospect of visiting Texas. Early in that year, the late Earl of Durham, who had for a considerable period honoured me with his confidence and regard, accepted the office of Governor-general of Canada. His lordship, knowing that I should highly appreciate the distinction of being attached to so important a mission, and aware that I had a theoretical and practical knowledge of the subject of municipal corporations, proposed that I should undertake the office of commissioner for inquiring into the municipal institutions of Lower Canada, with a view to their improvement. In accordance with this proposal, I left England, in the Sirius steam-vessel bound for New York, where I landed after a short and agreeable voyage, and, proceeding to my destination, reported my arrival at Quebec in the beginning of June.

Of various noticeable matters which fell under my observation during my residence in Canada, I have preserved either record or remembrance. But those matters are foreign to the purpose of this narrative, and, were it otherwise, they are so blended with saddening recollections associated with the memory of him whom I served with affectionate fidelity, that I would not willingly touch upon them now.

Shortly after my arrival, I was commissioned to inquire into the state of certain parishes below Quebec, where the French Canadians were, it was alleged, suffering great distress. The inquiry was not uninter-

esting, as it afforded me the most favourable opportunity of examining the character and condition of the people. Hiring a calash, and securing the services of its accustomed driver, I journeyed along the right bank of the St. Lawrence as far as Rimouski, then retraced my course to Kamouraska, where I crossed the St. Lawrence to Malbaie, and, proceeding up the left bank of the river, returned to Quebec.

The *habitans* in the districts I visited had, with the exception of those in the parish of St. Thomas, near Quebec, escaped the Papineau mania, which raged among their countrymen in the districts of Three Rivers and Montreal. They are a mild, inoffensive people, unconscious of any form of government except that imposed by their clergy, who, so far as order and morals are concerned, appeared to me faithful and exemplary in the discharge of their trust. In the more remote parishes, I found the population suffering severely for want of a sufficiency of wholesome food. Small traders and notaries had taken advantage of their occasional necessities to burthen them with debt; their modes of agriculture were obsolete; their crops unsuited to a rigorous and capricious climate; their seed-corn bad; their lands exhausted. Having been empowered by the government to make sparing disbursements for the relief of extreme cases, I advanced some money in different places on parochial or individual security. There being an anxious desire among the younger folks, in the most distressed parishes, to remove to new settlements, I recommended that locations should be granted them on the Saguenay, a land of promise in their eyes, which would,

however, present but few attractions to British colonists.

During my inquiries among these poor people, I noticed an error in the colonial administration as regarded the whole of their race. Prejudiced and ignorant, destitute of a wealthy and educated class, they have known nothing of British rule save through the interested representations of the notaries and other Tritons of the rivulet, whom they had sent to the House of Assembly, and who were generally petty jobbers, devoid of honesty and public spirit. How this evil is to be remedied under the United Canadian Legislature, I cannot see. With regard to the distressed population, perhaps the best course would be to encourage the young men and women to form insulated settlements in the upper province. Drafted in considerable bodies, and accompanied by their clergy, they would be glad to remove from a worn-out soil to new lands, where they might form safe, and, in some degree, useful communities. At all events, it would, I conceive, be sounder economy to provide for their wants in this manner, than to continue to aid them with public money in the form of loans, never to be repaid, as has been the system for years.

On the 23rd of August, the Governor-general issued a commission to Mr. Charles Buller to inquire into the municipal institutions of Lower Canada, and on the 25th, I was appointed assistant municipal commissioner, conjointly with Mr. Thom. Mr. Buller's multifarious duties, as Chief Secretary, left him little time to attend to the commission of which he was the head, and Mr. Thom, also, was frequently called away to assist in matters in which his experience as a Canadian lawyer was

of value. The business of the inquiry, therefore, mainly devolved upon me; and although the duty was by no means severe, yet it was, to the last degree, uninteresting. With slight exception those municipal regulations of the province that were actually in operation were confused, meagre, and utterly ineffective for good.

Events in England, followed by Lord Durham's determination to retire from the government, brought the commission to a premature close. His lordship, who had in a written communication volunteered the grateful assurance that he considered me "one of the truest and most devoted of his friends," intimated, on the eve of his departure, that the affairs of the commission might be wound up, and that I was free to return home. I had a private interview by his desire the day he left Quebec, when, after expressing his approval of my conduct and services, and sanctioning my intention to travel, he bade me farewell in terms that touched my heart. Believing that I had an inclination to linger in countries where money does not constitute the predominant standard of human value, his last words at parting were—"let me see you again in England."

The first time I saw Lord Durham (in 1833), I was drawn to him by a sentiment of attachment which seemed to be reciprocal. Whatever trust he reposed in me afterwards, strengthened that sentiment, for his soul was a mirror, on which meanness and duplicity had never left a shade. Even in the irritabilities of his quick temperament, there always seemed to me a gladdening leaven of human kindness. His foibles belonged to the accidents of his position—his virtues were his own; and, for my part, I could more readily excuse the unpre-

meditated overflow of an impetuous temperament than tolerate the frigid self-sufficiency which intrenches itself behind specious formalities for the conservation of its prerogative, real or supposed. Truth, justice, and honesty were the pervading elements of Lord Durham's moral nature, and, because they were, I honoured him when living, and mourned him when dead. As a public man, he was surpassed by none in devotion to his country, and equalled by few in a clear perception of its interests; but he was in advance of his time, and paid the usual penalty for being so.

The chief commissioner, Mr. Charles Buller, and my co-assistant, Mr. Thom, intending to proceed direct to England, and the Municipal Report, so far as we were justified in presenting one, requiring some further inquiry at Montreal, I proposed, after we had agreed upon the basis of certain recommendations, to remain (at my own expense) and complete the details of the work. I remained accordingly, during the rebellion, despatched the Report to London about the end of December, and then started for the United States—having two objects in view; first, to examine the working of the State Legislatures, and secondly, to visit Texas. I was well provided with credentials. Lord Durham had furnished me with an introduction to Mr. Fox, the British Minister at Washington; and the Count de Survilliers (Joseph Bonaparte), and other gentlemen of note and consideration in the United States, had recommended me to the hospitalities of their American friends.

I made a halt at Albany, the Legislature of the State of New York being then in session, and received the kindest attentions from some very estimable families to

whom I had letters from Sir John Eustace of the Guards, then in Canada. To Mr. Bradish, Lieutenant-governor of the State, I am indebted for a number of valuable books and documents, indicating the mode in which the business of the State is transacted. I had been led to select this special subject of inquiry from a desire to ascertain how far it might be practicable to introduce a system of local legislation into the United Kingdom, by means of which Parliament might be eased of the consideration of private bills—a portion of its duties executed at a maximum of cost and a minimum of efficiency. To Ireland, in particular, it appeared to me that a Legislature, limited in its functions to matters strictly local, would be productive of all the benefits of an independent Parliament, without hazarding any of its political dangers. As such a Legislature would be occupied chiefly in reducing the physical resources of the country, and as its measures would bear directly upon property, I thought that a franchise high enough to allay the apprehensions of the timid, might be established, with perfect regard to equity. I reckoned among the benefits of such a system, the bringing together of persons of different sects and parties, upon the ground of common advantage; the periodical concentration of the titled and moneyed aristocracy in Dublin; the attraction of capital to the country on local security, and the consequent liberation of the other divisions of the empire from expenditure on public works in Ireland. With these views, and

> "For the satisfaction of a thought—
> No further harm"—

I busied myself in making observations and collecting materials in such of the States as promised to exhibit the subject in new or striking lights.

After a short stay in New York, a sort of hybrid city, neither American nor European, I proceeded to Washington, to have a glance at Congress. While there I had the pleasure of meeting Mr. Clay, Mr. Webster, and other political magnates, whom I always found courteous in manners and instructive in conversation. From Mr. Clay, who when in Washington is overwhelmed with business, I received an invitation to visit him at Ashland, his seat in Kentucky, but, unfortunately, subsequent arrangements did not permit me to avail myself of his kindness. The North-eastern Boundary question wore quite as feverish an aspect at that period (the winter of 1839) as it does now. General Winfield Scott, pacificator in the M'Leod affair, was then despatched to Maine in the same benignant character. I had some conversation with him just before he set out, and like a truly brave and patriotic as well as enlightened man, he evinced, both by language and demeanour, his sincere desire for the maintenance of peace between his country and mine.

This, I am sorry to say, was not the general feeling in the Northern States of the Union; on the contrary, among the mass of the people, there was a levity in contemplating war which astonished and pained, and a bitterness in speaking of England which irritated and annoyed me. Among the wealthy and educated, hostility to British *interests* assumed the place of antipathy to British people, to whom, indeed, they were ready to accord all the respect and extend all the civilities to which

collectively or individually they might be entitled. I was, however, exceedingly pleased to find, that among the superior officers of the army and navy—veterans who had served with credit against Great Britain in the war of 1812—there existed a cordial disposition to do justice to England and to cultivate friendly relations with her people. While, professionally, they would have rejoiced at being called into active service—so far as my military and naval acquaintance extended—the members of both professions concurred in the hope (in which I heartily joined) that harmony between the two nations might long be maintained. While in company with some officers of rank in the United States army, the probable results of a war, in case hostilities should break out, were good-humouredly discussed. I fought the battles of my own land as gallantly as I could, without disparagement to her assumed opponent, claiming, of course, ultimate success in the hypothetical struggle. On the other side, it was admitted that in the outset, superior discipline, and military resources more ample and immediate, would give us the advantage, but that in a year or two, at all events, in three or four, these advantages would be counterbalanced, and victory be secured to the Union. Should war take place, I am firmly of opinion that it will not be of short duration, for its object, on the part of the United States, will be to lower the dictatorial tone too often assumed by Englishmen, to eradicate British influence from North America, and to raise domestic manufactures to a pitch that may enable them to maintain their ground afterwards in defiance of foreign competition.

The small and politically repudiated section of Amer-

ican "Abolitionists," operating upon the Anti-slavery party in England, are materially facilitating the views of the war and anti-British class of politicians in the United States. This section, which has its headquarters in the sphere of those commercial and manufacturing interests that toil unweariedly to overtop our own, carries on, by means of hired emissaries and pamphleteers, a constant warfare against the slave-holding States, which, being wholly agricultural, are anxious to have a free exchange of their products for the manufactures of England. The Abolitionists predominate in manufacturing Massachusetts, and their prime orator and representative is Mr. John Quincy Adams. Every insulated fact, or floating newspaper figment, that may be calculated to darken the character of the Southern planters in the estimation of the moral and religious world of Europe, is carefully collected by the pro-tariff philanthropists, published in cheap little books, with illustrative cuts, and sent across the Atlantic, where they receive fresh circulation, and call forth the indignant denunciations of the excellent persons who essay to regenerate the world by periodical resolutions at Exeter Hall.

Contenting myself by saying, what I believe in my conscience (and not without observation) to be true, that negro slavery never existed in a milder form than it does in the United States—that the efforts of the Abolitionists tend only to frustrate their declared object —and that a more humane, generous, and high-minded class of men does not exist than the Southern planters,— I shall simply remark, that the influence exercised by the American Abolitionists has the effect of sowing dis-

sensions between England and the slave-holding States, and thus preventing their approximation on principles of free trade. The more insecure the social position of the Southern States, the more are they at the mercy of the Northern and Middle, for the aggrandisement of whose merchants, manufacturers, and ship-owners, they are oppressively taxed, to the injury of ours.

The present United States' Tariff will expire in 1842, and the principles on which it is to be renewed form a question of primary importance to the several sections of the Union. Mr. Van Buren's administration was favourable to Southern views of trade. General Harrison's cannot be considered so, with Mr. Webster, as the principal officer of the Cabinet. I was much struck when I heard from Mr. Webster, at Washington, a decided opinion in favour of the maintenance of our corn-laws, the retention of which he pronounced to be wisdom. The enunciation of this opinion by an able and enlightened statesman set me thinking, and then it occurred to me that the very same principle was involved in the "protection" of New England manufacturers as of British landholders. I afterwards discussed the question with Mr. Kennedy, a member of Congress from Baltimore, who, being of the same party as Mr. Webster, took a precisely similar view of the subject. A very worthy old gentleman, Mr. Kennedy's father-in-law, himself a large manufacturer, happening to be present, put an end to the argument by frankly declaring, that, if the English corn-laws were abolished, he must close his manufactories; adding, however, that the short-sighted obstinacy of British landlords left him no great apprehension of such a result.

It is possible that the Northern interests are apprehensive that the Southern and South-western States will not assent to such a renewal of the Tariff as would satisfy their selfish views. Failing the attainment of their object in this way, there remains but one other mode of securing it, namely, by war. The United States, rich in unsettled boundary questions (having one with Russia* and another with Texas, besides those of Maine and the Oregon territory, in which England is concerned), cannot be at a loss for pretexts for quarrel. The only difficulty would be to obtain the concurrence of the wholly agricultural sections of the Union in a line of policy all the evils arising from which would fall upon them, while all the benefits would flow to the North. But this difficulty may, perhaps, be obviated by British interference in the domestic affairs of the slave-holding States, and by the continuance of those restrictive laws which refuse to allow our American debtors to discharge their obligations with American produce. Assuming that the Federal Union decides upon war with this country, ways and means, profit and loss, will of course be calculated. The following form part of the war estimates with the section favourable to a rupture:—

For the support of the war, the two millions sterling remitted annually to England, as interest on loans, will remain in the States. Everything requisite for the equipment and supply of troops can be drawn from the internal resources of the country. The debt to be incurred will, consequently, be owing, not to foreigners,

* The La Bodega dispute—strictly speaking, a question of intrusive settlement by Russia in California.

but Americans;—a National Debt will increase the stability of the Federal system, and a National Bank will relieve the distress and embarrassment consequent upon hostilities and the stoppage of external trade. War will also tend to adjust sectional differences, and to impart a more homogeneous aspect to the Union. New York and one or two Atlantic cities, containing a large amount of British property, may, it is true, be injured or destroyed, but European troops can make no permanent impression on the country, and the cost of rebuilding a few towns is not too great a price to pay for maritime and manufacturing supremacy on the American continent.

These ideas are not speculative: I have heard them openly expressed at different times and places, when travelling through the United States; and the knowledge of the fact that they are current, while it can do no harm, may assist in warding off the contingency to which they refer. Let me hope that it will have the effect of inducing my countrymen to adopt a policy diametrically opposite to that of Mr. Webster and the Northern manufacturers. It will be in their power, by adjusting their commercial relations with the United States on the basis of an equitable reciprocity, to dispel the cloud of war, and to unite in bonds indissoluble two kindred nations (the greatest in the world), whose *comprehensive* interests are not antagonist, and who cannot engage in mortal conflict without making the whole globe the theatre of their vindictive and desolating passions, and arresting the progress of civilization.

Washington, during the session of Congress, is the scene of much gaiety, but I was soon glad to escape from

balls and parties. The most brilliant entertainment I attended was given by the Russian Minister, Mr. Bodisco, who certainly carried away the palm from the *corps diplomatique* in providing amusements for the fair and fashionable. Among the arrangements of Mr. Bodisco's establishment, I could not help being attracted by the splendid garniture of a posse of black servants, who, with cocked hats and vestments stiff with "Barbaric pearl and gold," did their ministering in a style of conscious importance that must have rejoiced the self-love of "All the Russias," could they have witnessed by delegation the gorgeous show. I have been tempted into a notice of these sable servitors by a characteristic anecdote, which I heard in reference to the trappings with which they were invested.

The Russian Minister had been waited upon previously by white attendants—an excellent class in the States, when well chosen, but, of course, with Republican ideas of personal dignity. On a certain day, Mr. Bodisco summoned his male domestics, who were attired in the usual garb of citizens, and announced, with an air of graciousness, that his imperial master, the Emperor, had, as a mark of respect, been pleased personally to select a uniform for his (the Minister's) household, which was of the most attractive description, and which he invited them to examine, in full persuasion of their grateful acceptance of the same. After a brief survey of the cocked hats, emblazoned coats, and glowing inexpressibles, the "helps" withdrew to hold a conference in a corner of the apartment. After due deliberation, one of the body intimated their unanimous decision, that, for any free citizen to wear such mounte-

bank equipments out of doors was quite impossible, but there was a minority of their number not indisposed to wear them indoors, provided a suitable addition (one dollar per diem) were made to their pay. The negotiation terminated abruptly, and the offended Minister transferred the insulted habiliments to the readily-acquiescent Africans, who bore their sartorial honours with evident elation. I may add that I have not seen white servants in livery in the United States, except once or twice in New York, and there the uniform was of such an unostentatious description as hardly to merit the name.

Incidents of this kind, which originate in obvious causes, are frequently the source of grievous dissatisfaction to a certain class of English sojourners in the United States, who avenge themselves for the suppression of bile while in the country, by publishing caricatures when they return home. They do not give themselves the trouble of inquiring whether the subject of their complaint be a necessary result of a particular social organization, or merely a vicious custom, removable at will. Neither have they the candour to set off the praiseworthy against the censurable practices, or to discriminate between those who have offended against generally received etiquette, and those who are its scrupulous adherents. For the solecisms in manners which may be detected at the promiscuous table of a steam-boat or hotel, a whole nation is put unceremoniously to the ban; as Voltaire, when he reached Alsace on a tour, and came under the roof of a red-haired landlady, noted in his journal, "*Mem.*—All the women of Alsace are red-haired."

In every foreign country, some practices and observances will arise uncongenial to a stranger's notion of the correct and the agreeable. The Englishman in Paris and the Frenchman in London have their several small afflictions, to which nothing but time can reconcile them. Both will deem themselves martyrs to reprehensible usage; and John Bull, very likely, will commence by a prodigious outburst of national wrath against France and Frenchmen. Now such a demonstration in no degree amends the order of things, but, on the contrary, is the forerunner of disturbed digestion, and therefore to be avoided by all prudent and prescription-shunning men. Although not lacking gall "to make oppression bitter," nor by any means passive under minute vexations, yet I have laid down a rule for my guidance when in foreign countries which has kept me within the limits prescribed by fairness and common sense, and which I shall therefore mention for the edification of others. If a person discover that he is less handsomely treated (without provocation on his part) than a native of the country where he pilgrimages, under the same average circumstances, he is warranted in protesting and complaining; but if his treatment be similar to that of a native of his own condition and apparent claims, it is his duty to eat, drink, and be thankful, especially where, as in the United States, he is, neither by dress nor language, distinguishable as a stranger.

Many of our young men of rank and wealth, when travelling in America, acquit themselves but indifferently among a sagacious, energetic, and unbending people; others, of larger faculties and better training, adapt themselves to altered circumstances with a good grace.

I was amused with the secret distress of one of the latter class, Captain Alexander Gordon, son of Lord Aberdeen, who arrived at Fuller's Hotel, in Washington, a day or two after I had been independently installed in an apartment of that hostelry; and as the rule is "first come, first served," the house being crowded, he was obliged to accept the joint occupancy of a room in which were two beds besides his own, with their respective tenants. The young soldier, reluctant to make his morning toilette in the presence of two strangers, was occasionally held in bedchamber durance until a rather late hour; and, on my rating him with indolence, revealed the cause,—to which he had submitted with uncomplaining patience. When liberated, however, he made the best use of his time, visiting the arsenals and public works, and proving, by his pertinent questions and remarks, that he had acquired much practical information, and was desirous to acquire more. I felt proud of my young countryman, and set him down as destined to professional eminence. Let me hope that he will forgive this rambling introduction of his name.

The necessary brevity of this sketch does not permit me to tarry at the seat of the Federal Legislature—a place that accorded ill with my tastes and habits, and which probably suffered somewhat in my estimation from my being at the time in delicate health. Moreover, all around me were stirring actors, and I merely a speculative observer; so that the days became wearisome, and the evenings were chiefly devoted to a routine of entertainments, only productive of melancholy or *ennui*, unless one can yield oneself up to them in forgetfulness of everything else.

Leaving Washington with a lively sense of American good-will, of which I had received many proofs, especially from General Wool, of the United States army, I returned to New York, and having learned from Mr. Thom (then on his route from England to exercise judicial functions among the trappers of the Northwest) that the Report in which I was interested had been received and printed for Parliamentary use, I prepared for traveling beyond the Sabine; nothing dismayed by the alarming accounts which I received of Texas and its people from my Northern acquaintances, who placed before me the agreeable alternatives of being eaten by Indians, sliced by bowie-knives, or pressed for a soldier. I selected the line of the coast, and journeyed through Maryland, Virginia, the Carolinas, Georgia, Florida, and Alabama, without the occurrence of any remarkable incident, until I left Mobile in a steamboat for New Orleans.

The eye and mind both fatigued with threading the woody solitudes of Florida, I had arrived at Pensacola, and having no temptation to remain there beyond a day, I pushed on to Mobile, whence a steamer was announced to start in a few hours for New Orleans. It was a beautiful afternoon in April as we cleft the waters of the bay; and I indulged in pleasant anticipations connected with my trip. The sun went down serenely—the evening meal was over—the passengers had retired to their berths, and I, merely stripping off my coat, as the atmosphere was close and sultry, had adjusted myself to rest upon a sofa. Between eleven and twelve o'clock at night, I was awakened from a heavy sleep by the screams of women, and cries of "The vessel's on fire!"

I ran upon deck, and found everybody in consternation and disorder. An iron partition between the fuel and the furnace of the steamer had become so heated as to ignite the former; and, to increase the general panic, the night had grown pitch-dark, the wind began to blow furiously, and by-and-bye lightning streamed as though the heavens were on fire, and thunder crashed as if "chaos had come again." It was my first introduction to the thunder of the Mexican Gulf; and, had I been easy in other respects, I could have heard its awfully-magnificent peals with a feeling not remote from enjoyment. But all thought of the grand artillery of southern skies was lost in the immediate danger of my situation. I was far from the land of my birth—unknown to every soul on board—my friends, unadvised of the particulars of my course, would, if I perished, remain in ignorance of my fate. The last reflection was of all the most painful. How rapid is the action of the mind in situations of extreme peril! The prominent events and scenes of past life swept in review before me—and then came the seemingly fast-approaching future. It is at such a moment that a man discovers what he has been, what he is, and what he ought to be.

The heavens were alternately death-dark and blazing with electric fire; and I feared that the lightning would strike the vessel. There were a number of American emigrants on board, with their wives and children, shaping their course for Texas. While the officers of the vessel were assuring the passengers that there was no danger, I learned that part of the crew were taking possession of the boats. I had conversed during the day with one

of the emigrant party—its leader apparently—a shrewd, resolute-looking farmer, who, in common with some of his companions, had his rifle on board. Having provided myself with my travelling pistols and swimming-belt, I proposed to this man to dislodge the skulkers from the boats, and hold them for the women and children—offering to take my chance with the last on deck. While making the suggestion as quietly as I could, a woman, indignant, I suppose, at my apparent coolness, said, "Ah! you have taken good care of yourself!"—pointing to my swimming-belt, which, in such a night, would have been of very little avail. I told her that, if it were of service at all, it would perhaps enable me, being a swimmer, to save the lives of others. With the aid of the emigrants and their rifles, I succeeded in clearing and securing the boats. All this time, the master of the steamer, a young man bedizened with rings and chains, seemed unable to do or to advise anything. We then set about ascertaining the real extent of our danger, and found that the burning portion of the pile of wood was near the center, and fortunately unexposed to the action of the wind. By covering the heap with wet blankets, and deluging the ignited part with water, the fire was subdued, and we arrived in safety at the desired landing-place—whence a few miles of railroad brought me to the gay, polished, and spirited city of New Orleans, where business and amusement preside over three-fourths of the year, and lassitude and disease tyrannize over the remainder.

I sailed from New Orleans to Galveston in Texas in the steamer Columbia. The weather was delightful, the accommodations excellent, and the master of the

vessel (Mr. Henry Windle) orderly, unassuming, and scrupulously attentive to the comfort of his passengers. We reached our destination in forty-eight hours; and the hotels and boarding-houses being crowded, I remained for a day or two on board the Columbia. Having mingled freely with all sorts of people, and roamed over the low sandy shores of the island, I proceeded in a steamer to Houston, at that time the seat of government.

After examining the character of the soil, and inquiring into the general resources of the country, I directed my attention to the government, religion, laws, police, and manners. I found a stable government, religion respected, laws well administered, protection afforded to property and person, and the general tone of manners the same as in the United States. Every facility for acquiring information was cheerfully given by President Lamar and the members of his Cabinet. Astonished to perceive a condition of things so entirely different from what I had been led to expect by the people and press of the Northern States, I intimated an intention to publish a work on the Republic, on my return to England, for the purpose of explaining its true position. To enable me to carry out this resolve, I commenced the collection of documents, which I continued indefatigably in the United States, until I had amassed such a number as warranted me in attempting something more substantial and useful than that irresponsible and, often, illusory production, a modern book of travels.

Shortly before I quitted Houston, I was invited to a "champagne supper" at the quarters of Mr. Henry Thompson, an accomplished member of the Texan bar.

The guests were chiefly government officers and gentlemen of the legal profession. After supper, Branch Tanner Archer, who presided at the General Consultation of Texas, held at San Felipe de Austin, on the 3rd of November, 1835, was called to the chair. Having accepted the call, the chairman craved a bumper to a toast, which he said every citizen of Texas would pledge with all his heart—"The health of the youthful Sovereign of the British empire." "The land over whose political destinies Queen Victoria had been called upon to preside was the land of their forefathers, and if the United States were their mother—England was their grandmother-country. It was that venerable but endearing degree of relationship which she held towards Texas. Great and glorious had been the career of Britain, and he hoped that they, the last of her descendants that had been admitted into the family of nations, would prove themselves not unworthy of her future or past renown. He trusted the day was not distant when, by her recognition of the right which patriotism had established by an untarnished sword, the bonds of kindred would be strengthened by relations of amity and commerce." The chairman concluded a speech highly complimentary to England, with the remark that the British throne rested now on a firmer basis than before, since it was filled by a lady whose feminine graces and virtues would rally round her all that was manly, chivalrous, and noble.

The toast was drunk with an enthusiasm that could not but be very gratifying to a wanderer in "a far countree." In reply to the honour, I expressed my gratification, as a Briton, at finding that the farther I travelled

South, the nearer I seemed to be to congenial sentiments and feelings, and declared my intention, in requital of the respect evinced by Texan citizens for my Sovereign and native land, and the hospitality which had been accorded to myself, to make my countrymen acquainted with Texas and its history, which were either greatly misunderstood or altogether unknown in Europe.

At the close of June, I left Galveston for New Orleans. Just before my departure, I had an interview with the President, who had removed to the island for the benefit of his health. His constitution, he said, was broken, but he would fearlessly persevere in the policy which he had adopted—a policy he believed to be essential to the prosperity and happiness of the Republic. "Tell your rulers," was his concluding observation—"tell your rulers to agree to a liberal treaty with Texas, and she will pursue a commercial system by which trade will be freed from its shackles in the valley of the Mississippi, and the country beyond the Rio Grande." From President Lamar I received an introductory letter to General Hamilton, then on his way to Europe as Commissioner of the loan.

Soon after I arrived at New Orleans, my friends almost hustled me on board a steamer, apprehensive lest I should be clutched in the embraces of Yellow Jack, as the pestilential fever of the southern coast is familiarly called. With the utmost speed of high pressure, I steamed up the monarch of North American rivers to Louisville, in Kentucky; from Kentucky I went to Cincinnati, in Ohio; thence to Wheeling, in Virginia; thence "right slick away," in a break-neck stage, with "go-ahead" drivers, over the Alleghany Mountains.

Baltimore, with its social amenities, welcomed me as to a home, and I obtained the traveller's luxury of a willing listener to my yarns, in the person of Mr. Hudson, British Secretary of Legation at Washington, whose multiplied kindnesses I shall not readily forget. With Mr. Hudson I re-visited the Federal Capital, submitted my Texan documents and free-trade views to the acute judgment of Mr. Fox, bade adieu to divers friends on the route from Washington to New York, remained for a brief period in that bustling city, and "finally" took the last look of American land on board a liner, which in twenty-two days all but deposited me on the quays of Liverpool, in the "fall" of 1839.

From the time of my arrival in England to the date of the treaty by which Texas was recognised, and commercial relations established between the young Republic and this country, I omitted no occasion, public or private, of redeeming the pledge which I had given in Texas.* A letter, published in the autumn of 1839, and signed "Daniel O'Connell," led to a controversy in which, at the risk of undergoing a considerable infliction of vituperative language, I succeeded in exposing to the British public the nature of suggestions calculated to lead to a course of mischievous folly. Mr. O'Connell's letter, a curiosity in its way, pledged him to bring forward the following motions in the ensuing session of Parliament:—

* Explanation of Texan affairs was no easy nor encouraging task; some asking if the people were Indians, others if they were Spaniards, and others apparently suspicious that I had established advantageous relations with the "land-pirates,"—and hence my zeal. A veteran member of Parliament asked if Texas were not a state lying contiguous to Florida.

"1. That it is the opinion of this house, that Her Majesty's Ministers ought not to advise Her Majesty to recognise the independence, as a state, of the persons located on part of the territories of the Republic of Mexico, with which Republic we are in alliance, and who have called themselves the State of Texas, unless with the assent of the said Republic of Mexico; and also, unless such alleged State of Texas shall make the abolition of negro slavery a fundamental law, and also consent that the slave-trade shall be deemed and treated as piracy.

"2. That an address be presented to Her Majesty, humbly praying that she may be pleased to give directions to her Ministers to endeavour to make such an arrangement with the government of Mexico as would place at their disposal such a portion of the unoccupied territory of that Republic, on or near its northern boundary, as should be sufficient for the purpose of establishing an asylum, or free state of persons of colour, Her Majesty's subjects, who may be desirous to emigrate to and establish such free state."

On these motions there has been, as the Americans say, no "legislative action;" neither has their framer proceeded, according to his doctrine of right, to agitate for the impeachment of the Foreign Minister, which, by the way, seems to be a favourite project with certain flighty politicians now-a-days. Another motion has been held in abeyance by Mr. O'Connell, to be brought forward on the production of the Texan treaty. If, like those already quoted, it contain the germ of war with the United States, the least Parliament can demand from the honourable, learned, and absolute gentleman, before

consenting to gratify his humour, is a guarantee that, in the event of England plunging into hostilities with her best foreign customer and most formidable opponent, he will not whistle off his legions, in the heat of the conflict, and leave her to fight it out as she can.

Whatever Mr. O'Connell's motives may be for endeavouring to embroil England and the United States, one thing is certain, that his conduct operates very injuriously on the interests of his poor Catholic fellow-countrymen in America. These form a population by no means desired (now that labour is abundant) by the citizens. Unlike the Protestant emigrants from Ireland, they constantly interfere in local politics and elections, acting together as one man, and swayed by considerations peculiar to themselves. They are, besides, a frequent charge upon the benevolence of the country, which has to provide relief for their sick and destitute. For instance, I find by published returns, that, in a period of about eight years, ending in July, 1838, the number of Irish patients admitted into the Charity Hospital of the city of New Orleans was above 12,000; exceeding the aggregate number of patients from every State in the Union. When all these matters are weighed, it will not be deemed extraordinary that societies should be formed for excluding foreign settlers in the States from the benefits of naturalization. These have been organized in New Orleans and elsewhere, under the name of "Native American Associations."

A war between England and the United States would be one of the greatest calamities that could befal either. Were the American character and the *working* of the American institutions thoroughly understood, diplo-

matic arrangements with the government of the United States would be greatly simplified. But, notwithstanding the accumulation of travels and authorities, European ideas of the people are extremely vague, and it is only with the *theory* of their institutions, so admirably expounded by de Tocqueville, that they are yet conversant. Nothing, for example, is more provoking to the methodical publicists of ancient monarchies than the centrifugal tendencies of the individual States, each of which may apparently draw the whole confederacy into aggressive war, contrary to justice and reason. International law they conclude to be of no avail with such eccentric bodies. In a gust of impatience, they are for excluding them *in toto* from the pale of recognised communities. But, as the most vagrant member of the cometary system is not less under the control of immutable laws than the most abiding star of the firmament, so are these sub-imperial sovereignties regulated by principles which define and determine their movements and action, although those principles are difficult to be comprehended by persons planted on a political antipodes.

It is a curious fact, that the politicians of the United States charge Great Britain with indirect aggrandizement, by means of trading companies, just as the Americans are accused of trying to shuffle themselves into territory by the operation of their complicated machinery of State and Federal Government. In a report of the Committee on Foreign Affairs of the House of Representatives in Congress, dated January 4th, 1839, on the subject of the Oregon territory, the organization of the Hudson's Bay Company is described as resembling that of the East India Company in Hindostan, at the period

of its early conquests. "Individual traders and ordinary commercial companies cannot stand against it. They cannot compete in resources with this great Empire-Corporation. Besides which a powerful incorporated Company, like this, having exclusive privileges of trade by charter, and those privileges conveying *territory* as appurtenant to trade—a monster and an anomaly in its nature as it is—such a Company is in itself, to all intents and purposes, a territorial government.

"Experience has shown the necessity of military posts among the Indians. The Company accordingly has its great post and its lesser forts, all of them British military posts in fact, but with the peculiarity that its flag not being the Queen's flag, the Government is enabled to pursue the disingenuous course of claiming rights and territory in virtue of acts performed by it, while, in the same breath, disavowing all Government responsibility for those acts. But the United States has no military post there. It has no gigantic company, like that of Hudson's Bay, to be put forward to act the ambiguous and insidious part of a government, or of private individuals, as the policy of state may render most convenient. If it establishes a post, it must do so openly and above-board, in its own name. But this Great Britain objects to; so that still the monopoly of trade and of civil and military power shall be held by her *indirectly*, through the means of the Hudson's Bay Company.

"The Committee are of opinion that this ground of distinction ought to be no longer admitted by the United States. So long as Great Britain takes to herself the fruits of the operations of these Empire-Corporations, and the millions of subjects they conquer, and the

vast realms they subdue, are governed and held for her advantage, she ought not to be permitted to set up any distinction, in her dealings with a foreign state, between their acts and hers. So far as regards the rights or the safety of that foreign state, a military post established by the East India Company, or the Hudson's Bay Company, is a military post established by Great Britain. Not to perceive this, is to shut our eyes to the system of operations by means of which Great Britain has built up the stupendous fabric of her power in the East and the West."

English people will perceive by the foregoing that complaints of encroachment are not all on one side. Mother and daughter seem to be pretty much alike in their love of dominion. Let us hope that, as more than half the globe is yet before them for apportionment, they will postpone their quarrel about minute appropriations until they have come to the last slice; and then, perhaps, may arise some diplomatic umpire who will prevail upon them to settle patrimonial differences by transferring the ultimate section of "disputed territory" to some promising great-grand-daughter of patriarchal England.

It can serve no useful purpose for Britain and the United States to go to war, and it is only in the misapprehension of each other's true position and interests that they will do so. And as they are of the same original stock, it would not only be more politic, but in better taste, to substitute reciprocity of trade for reciprocity of abuse. Newspaper paragraphs and angry declamation, whether in the hall or on the "stump," will not overturn the Monarchy, or dismember the Re-

public. Instead of burning towns and cutting throats, let Americans and Britons emulate each other in the arts of good government and industry, and the authorities, Presidential and Regal, "go a-head" with all their energy to parade the largest number of virtuous, enlightened, and contented citizens, for the inspection of Wisdom and Benevolence, on the day when they distribute their prize medals to the benefactors of mankind.

If any of my countrymen, having dozed for the last half century, are, between sleeping and waking, venting their wrath against "Yankee rebels," and wondering why our Whig government do not spit them *en masse*, like cockchafers, I recommend them (after taking a refrigerant) to read what is recorded in the following pages, of a people who have grown up since they retired to "the pleasant land of drowsy-head"—a people whom their European Historiographer calls "Texans," but upon whom the leader of "hereditary bondsmen," and those who sail in his wake, have bestowed a variety of appellations more familiar to the readers of the Criminal Calendar than to the admirers of polite literature. After perusing the said pages, the sleepers awakened will infinitely oblige me by revealing their candid opinion of these Texans—who, they will perceive, are only off-shoots from the "Yankees"—my own idea being that their growth as a community, their establishment and sustentation of a constitutional government, and their endeavours, by means of that government, to raise in the wilderness the rarests monument of civilization, constitute one of the most remarkable passages in the history of associated man.

TEXAS:

THE

RISE, PROGRESS, AND PROSPECTS

OF THE

REPUBLIC OF TEXAS

BOOK I.

GEOGRAPHY, NATURAL HISTORY, AND TOPOGRAPHY OF TEXAS.

"Know'st thou the land where the lemon-trees bloom—
Where the gold orange glows mid' the deep thicket's gloom,
Where a wind, ever soft, from the blue heaven blows,
And the groves are of laurel, and myrtle, and rose?"

GOETHE'S *Wilhelm Meister.*

CHAPTER I.

Position of Texas as a Mexican Province—Extent, Territorial Distribution and Political Divisions of Mexico, under the Government of Spain—States and Territories of the Mexican Republic—Coahuila and Texas—Population of Mexico—Boundaries and Subdivisions of Texas Proper—Present Boundaries of the Republic—Natural Divisions of Texas—Remarkable Contrast between the Border sections and the lands of the Interior.

Texas, previous to attaining the rank of an independent state, formed an outlying section of the Mexican Republic, which republic, embracing the territory formerly comprised in the vice-royalty of New Spain, was bounded, to the east and southeast, by the Gulf of Mexico and the Caribbean sea; to the west, by the Pacific ocean; to the south, by Guatemala; and to the north, by the States of the Anglo-American Union.

The territorial extent of Mexico has been estimated by Humboldt at 118,478 square leagues, of 25 to the degree; of which 82,000 are situated under the temperate, and 36,500 under the torrid, zone. This estimate does not include a large, but almost unknown, territory lying between the northern extremity of New Mexico and Sonora, and the boundary line of the United States.

At the close of the last century, and before the administration of affairs introduced by Don Jose de Galvez, the able minister of "the Indies," New Spain contained the following divisions:—1. The Kingdom of Mexico; 2. The Kingdom of New Gallicia; 3. The

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Kingdom of New Leon; 4. The Colony of New Santander; 5. The Province of Texas; 6. The Province of Coahuila (or Cohahuila); 7. The Province of New Biscay; 8. The Province of Sonora; 9. The Province of New Mexico; 10. The Provinces of Old and New (Lower and Upper) California.

At the beginning of the present century, Mexico was divided into twelve Intendancies and three Provinces. The Intendancy of San Luis Potosi, in the region of the north-east, comprehended the province of Texas, the colonies of New Santander and Coahuila, the kingdom of New Leon, and the districts of Charcas, Altamira, Catorce and Ramos; which districts constituted the Intendancy of San Luis Potosi, properly so called. "The Intendancy of San Luis," observes Baron Humboldt, "includes, besides the province of Potosi, all that goes under the denomination of '*Provincias Internas Orientales*' (the Eastern Provinces of the Interior). A single Intendant is, consequently, at the head of an administration which includes a greater surface than all European Spain. But this immense country, gifted by nature with the most precious productions, and situated under a serene sky, in the temperate zone, towards the borders of the tropic, is, for the greatest part, a wild desert, still more thinly peopled than the governments of Asiatic Russia. The position of the eastern limits of New Spain, the proximity of the United States, the frequency of communication with the colonists of Louisiana, with a great number of circumstances which I shall not here develop, will probably favour the progress of civilization and prosperity in these vast and fertile regions."

There is another division of Mexico given by Humboldt—the "Maritime and Commercial"—which will one day possess great political interest, when the coasts shall become more populous, when the cultivation of the soil shall be less concentrated on the table-land, and when the maritime provinces on the Pacific shall avail themselves of the advantages offered by their ports for the commerce of Asia and the north-west. This division includes,—1. The PROVINCES OF THE INTERIOR, which do not extend to the ocean; viz., New Mexico, New Biscay, Zacatecas, Guanaxuato. 2. The MARITIME PROVINCES OF THE EASTERN COAST, opposite to Europe; viz., San Luis Potosi, Vera Cruz, Merida, or Yucatan. The MARITIME PROVINCES OF THE WESTERN COAST, opposite to Asia, viz., New, or Upper, California, Old, or Lower, California, Sonora, Guadalaxara, Valladolid, Mexico Proper, Puebla, Oaxaca.

By the Constitution of the Mexican United States, adopted in 1824, the Republic was divided into a Federation of States, Territories, and a Federal District. The parts of the Federation were thus distributed:—States, nineteen in number, commencing with the Peninsula of Yucatan to the south, or Merida to the east; Tabasco, Las Chiapas, and Oaxaca to the south and west; towards the north these were succeeded by Vera Cruz, Tamaulipas, San Luis Potosi, New Leon, Coahuila and Texas, comprehending the whole territory on the Atlantic side, as far as the frontiers of the United States; La Puebla, Mexico, Michoacan, Zalisco, Sonora, and Sinaloa, whose western extremities border on the Pacific; Queretaro, Guanaxuato, Zacatecas, Durango, and Chihuahua, which occupy the central region and

extend between the two oceans. The Territories comprised Tlaxcala, with the Californias and Colima, on the western coast, and the inland district of Santa Fé of New Mexico.

The State of Coahuila and Texas comprehended the same extent of territory which constituted the provinces so called before their union as a member of the Federation. The annexation of Texas to Coahuila was provisional merely; the former being entitled to dissolve the connexion whenever it possessed the population and resources requisite for the formation of a constitutional unity. At the period of their federal organization, the joint population of Coahuila and Texas probably did not exceed 100,000 souls. The population of the Intendancy of San Luis Potosi amounted, in 1803, to little more than 300,000.

According to the calculations of Humboldt, the whole population of New Spain amounted, in 1803, to 5,832,-100, of whom 6,100 only were African negroes. Mr. C. J. Latrobe, who visited Mexico in 1834, thus classifies and enumerates its inhabitants at that period:—

The population of New Spain consists of seven distinct classes, besides people of recent Asiatic origin:—

1. The Gachupin (or Chapetone), the full-blood European, or, more properly, the Spaniard, whose numbers now are very inconsiderable, having dwindled down, since the Revolution, from 80,000 to probably not more than 10,000.
2. Creoles, of European extraction, 1,000,000.
3. Mestizoes, the offspring of Europeans and Indians, 2,000,000.

4. Mulattoes, the offspring of Europeans and negroes, 400,000.
5. Aboriginal Indians, numbering from three to four millions.
6. African negroes and their descendants, 100,000.
7. Zamboes, the offspring of negroes and Indians, 2,000,000.

To these about 15,000 mixed European residents are to be added.

Deducting half a million from the (as I conceive) exaggerated estimate of the seventh class, and allowing a larger proportion to the European creoles, whom Humboldt, in 1803, estimated at more than a million, the aggregate population of Mexico, at the present day, may be computed at between nine and ten millions.

In 1834, Colonel Juan N. Almonte (since secretary of war in Mexico), by commission from the general government of Mexico, visited Texas, and drew up a statistical report of the country, to which, as an official Mexican authority, I shall occasionally refer. According to this report, the section of the Mexican Republic, which may now be distinguished as Texas Proper, is situated between 28° and 35° north latitude, and 17° to 25° longitude west of Washington; bounded on the north by the Territory of Arkansas; east, by the State of Louisiana; south, by the Gulf of Mexico and the State of Tamaulipas; and on the west, by Coahuila, Chihuahua, and the Territory of New Mexico. Colonel Almonte was informed by the State government of Coahuila and Texas, that, instead of the River de las Nueces, as was generally supposed, as then appeared on the map, forming the boundary between Coahuila

and Texas, this assumption was founded on a geographical error. The true limit ought, it was alleged, to commence at the *embouchure* of the river Aransaso, and follow to its source, continuing thence, in a direct line, until it reached the junction of the Medina and San Antonio rivers; from which it ought to proceed along the eastern bank of the Medina towards its source, and terminate on the borders of Chihuahua. Mrs. Holley, in her work on Texas, states that the boundaries of Texas Proper are,—on the north, the Red River, separating it from Arkansas; on the south, the Gulf of Mexico; on the east, the Sabine River and Louisiana; on the west, the River Nueces, separating it from Tamaulipas and Coahuila. The territory comprised within these litmits Mrs. Holley estimates at nearly 200,000 square miles—a surface almost as extensive as that of France. But these vague authorities are now obsolete, with regard to the limits of Texas, which, no longer politically united to Mexico, has claimed for itself new, more ample, and more natural boundaries, in the character of an independent Republic.

By a preliminary article of the constitutional act adopted at Saltillo, 11th March, 1827, the constituent congress of Coahuila and Texas divided the territory of the state "for its better administration" into three departments: Bexar (pronounced *Béhar*), under which name was included the whole of the former province of Texas,—Monclova commensurate with the Coahuilan district thus designated, and Rio Grande Saltillo, embracing the district so entitled, and that of Parras.

Texas itself was subdivided into three political jurisdictions; Bexar (proper), the Brazos, and Nacogdoches.

The boundary of the provincial department of Bexar, towards Coahuila, corresponded with that of the province of Texas—its dividing line with the Brazos commenced at the mouth of the river La Baca, and stretched along its western bank towards the southern limit of what was Green de Witt's colony; leaving the river, it followed the said limit towards the west, until it passed the river Guadalupe; returning towards the north-west, it followed the western limit of De Witt's colony to the road which passes from Bexar to Nacogdoches, and, taking from that point a northerly direction, it terminated in the Red River of Natchitoches (*Rio Roxo de Natchitoches*).

The department of the Brazos, situated as above mentioned with relation to Bexar, was bounded, towards the district of Nacogdoches, by a line commencing at Cape Bolivar, bay of Galveston, and running, between north and west, through the interval which separates the rivers San Jacinto and Trinidad, along the heights that separate the waters of the said rivers to the source of the San Jacinto, thence along the ridge which divides the rivers Brazos and Trinidad towards the source of the latter, terminating northward of the said source in the Red River of Natchitoches.

The department of Nacogdoches was bounded on the north by the Red River, east by the Sabine, south by the Gulf of Mexico, and west by the district of the Brazos, according to its previously defined limits. These three departments and the north-western section of the province, were topographically distinguished by the location of the Mexican "colonial grants," which will be

hereafter noticed in explaining the "Empresario" system.

The chief towns of the state of Coahuila and Texas were Monclova, Saltillo (called also Leona de Vicario) in Coahuila, and San Antonio de Bexar, the capital of the district of Bexar, in Texas.

The present boundary of Texas, as claimed by the Republic, is specified in a short Act of Congress approved by President Houston, December 19, 1836, which runs thus:—"*Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled*, That, from and after the passing of this act, the civil and political jurisdiction of this Republic be, and is hereby declared to extend to the following boundaries; to wit:—Beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico; three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning: and that the President be, and is hereby authorized and required to open a negotiation with the government of the United States of America, so soon as, in his opinion, the public interest requires it to ascertain and define the boundary line as agreed upon in the said treaty." Power was vested in the President of Texas, by an act passed 12th June 1837, to appoint a commissioner to co-operate with one to be named by the government of the United States, for the purpose of running and marking the boundary line between the two countries, "from latitude 32° north on

the Sabine river, to the Rio Roxo or Red River," according to the treaty of 22d February, 1819, between the United States and Spain. A convention, with this view, concluded between the United States and Texas at Washington, on the 25th April, 1838, having been ratified by both governments, an act was passed by the Texan Congress, 23rd November, 1839, repealing the law of June 1837, and providing funds for carrying the object of the convention into effect. Commissioners duly appointed commenced the execution of the duty assigned them in the spring of 1840. The following is the line of demarcation provided by the treaty of limits agreed upon by Spain and the United States in 1819:—

Beginning at the mouth of the river Sabine, on the Gulf of Mexico, following the course of the said river to the 32° of north latitude; the eastern bank and all the islands in the river to belong to the United States, and the western bank to Spain; thence, by a line due north, to the northernmost part of the 33° of latitude, and until it strikes the Red River; thence, following the course of the said river, to the northernmost point of the bend between longitude 101° and 102°, by the shortest line to the southernmost point of the bend of the river Arkansas, between the same degrees of longitude, 101° and 102°; thence, following the course of the river Arkansas, to its source; thence, due north, following the 42nd parallel of latitude to the South Sea.— The treaty conceded to the subjects of Spain the right of navigating the Red River and the Arkansas, to their mouths in the Mississippi, and the latter river and the Sabine to the sea.

The treaty of 1819 between the United States and Spain was recognised and confirmed by a treaty of limits between Mexico and the United States, concluded on the 12th of January, 1828, and a convention was subsequently entered into for surveying and settling the boundary line, but, in consequence of delay on the part of Mexico, her civil dissensions, and the revolution in Texas, the stipulations of the convention were never carried into execution.

Within the limits of the Republic of Texas, as defined by the Boundary Act of December 19, 1836, are included parts of Tamaulipas, Coahuila, and New Mexico. The section of country between the river de las Nueces and the Rio Grande is a valuable tract of land, whereas the Mexican side of the latter river, comprehending part of Tamaulipas, New Leon, Coahuila, and Durango, is, with the exception of a few favoured spots, destitute of wood and water, rocky, and incapable of improvement. The mountainous tract called the Bolson de Mapimi, comprising more than 3000 square leagues, and indented into the territory of Durango and Coahuila, is a desert, uninhabited save by tribes of roving and independent Indians. New Mexico, or the Santa Fé Territory, extends along the Rio Grande from the 31° to the 38° of north latitude. This territory is fertile, but very thinly inhabited, and exposed to the predatory incursions of the Indians. It contains three towns, Santa Fé, Taos, and Albuquerque, besides a number of villages. It is to be remarked that the title of the Republic of Texas to lands extraneous to the boundaries of the state at the period of the revolution, has yet to be formally perfected, by treaty with Mexico.

For all practical purposes, however, the limits have been determined by the act of the Texan Congress in 1836.

The course of the rivers of Texas, which run nearly parallel to each other, indicates the general surface of the country to be an inclined plane, slopping toward the south-east.

The extent of coast from the river Sabine to the Rio Grande, which constitute the extreme points of the maritime limits claimed by the Republic, is about 400 miles.

The soil of Texas presents three distinct natural aspects, by which it is divisible into a corresponding number of regions, or districts; the plain, or level, the undulating, or rolling, and the mountainous or hilly.

The Level Region extends along the whole coast, from the Sabine to the Rio Grande; commencing with an average breadth of thirty miles, and increasing to seventy between the Sabine and the San Jacinto, it expands at the centre on the Colorado, to one hundred, then gradually diminishes towards the Nueces. To this region succeeds the rolling country of the interior, which stretches westward and northward to the hilly tract, distant from 150 to 200 miles from the low, level lands.

The surface of Eastern Texas may be included in two divisions—the level and the undulating—the hills being few and of slight elevation. Proceeding along the course of the mountains and across them, we reach immense plains, which extend to the confines of New Mexico and Chihuahua, and away to the north and north-west, beyond the Red River and Arkansas.

In passing through the low lands from the United

States, the country to the north and west of Lake Sabine is flat and woody; on the south-west, between Lake Sabine and Galveston Bay, it is a dull and generally barren prairie, destitute of trees, except on the margin of the water-courses. Beyond the north-east point of Galveston, the landscape improves, and a large extent of gently-sloping prairie, agreeably diversified by skirts of timber, spreads across the woody bottom of the Trinity River, save in the immediate vicinity of Galveston, where the prairie is mostly wet and steril. There are some fine rolling lands on the river San Jacinto and Buffalo Bayou; from Galveston Bay to the Brazos river, it is one unbroken plain, rather low and sandy, on the coast, but relieved, towards the interior, by insulated groves and timbered streams. From the east side of the broad "bottom," or alluvion, of the Brazos, to the west side of Caney Creek, it is, for the most part, woody, interspersed with large cane-brakes; on the north side of this section, down the west bank of the Brazos, the prairie opens as far as a point at the town of Columbia.

A rich and magnificent prairie, uninterrupted save by clumps and skirts of timber on the streams, extends on both sides of the Colorado, from Caney Creek to the Navidad River. Advancing west of the Navidad, the soil is a light sandy prairie, sloping towards the north and west, and, to the south and south-east, a continuous level. The shores of Matagorda, Aransaso, Espiritu Santo, and Nueces Bays, are higher than the margins of the bays lying farther eastward, and the rivers which there discharge their waters into the gulf invite the stranger in search of a fertile settlement to journey

inland, where he is certain to obtain the fulfilment of his hopes and wishes.

The prevailing character of the soil of the level region of Texas is a rich alluvion—singularly free from those accumulations of stagnant water, which, combined with a burning sun and exuberant vegetation, render a large proportion of the southern parts of the United States little better than a sickly desert. The porous character of the soil, the gradual elevation of the level lands towards the interior, and the general rise of the banks from the beds of the streams, preclude the formation of swamps to any injurious extent.

The Rolling, or Undulating, Region forms the largest of the natural divisions of Texas. North and north-west of the level section lying between the Sabine and San Jacinto rivers, the country undulates towards the Red River. The thickly timbered lands extend quite to the Red River, and as far to the west as a line drawn due north, from the heads of the Sabine. A wide belt of rolling and thinly wooded prairie extends westward of this line along the margin of the Red River.

The country rises in gentle and beautiful undulations above the alluvial region of the Brazos, Colorado, and Guadalupe, extending in a north-westerly direction up those rivers, from 150 to 200 miles, as far as the hilly district. Here is a delightful variety of fertile prairie and valuable woodland, enriched with springs, and rivulets of pure and sparkling water, which, like the larger streams, are invariably bordered by wooded "bottoms." The undulations often swell at lengthened intervals into

eminences of soft acclivity, from the summits of which the eye may repose on some of the fairest scenes in nature.

The rolling lands between the Guadalupe and Nueces sweep towards the north-west, with an elevation gradually increasing, until they terminate in the high land range, at a distance of about 200 miles from the level region of the coast. Timber and water are not so abundant in this section as in the country lying further east, but it affords excellent pasturage, and is peculiarly adapted to the raising of all kinds of stock.

The Mountainous Region forms part of the Sierra Mádre, that great chain which, broken at the junction of the rivers Puerco and Rio Grande, and taking a north-easterly course, enters Texas Proper, at the sources of the river Nueces. Continuing thence, in the same direction, to the head waters of the San Saba, a tributary of the Colorado, and inclining eastward down the San Saba, it crosses the Colorado, and is finally lost in the woodlands of the Upper Brazos, between the river of which name and the Sabine the country is rolling or level. Spurs of this mountain range project southwardly down the rivers Medina and Guadalupe, to the vicinity of San Antonio de Bexar. Other spurs branch down the rivers Llano and Piedernales and the smaller western tributaries of the Colorado, and similar spurs extend to the Colorado above San Saba for a considerable distance, rounding the head waters of the San Andres and Bosque rivers, which flow into the Brazos.

The mountains are of third and fourth magnitude in point of elevation: those of San Saba are deemed the

highest. They are clothed with forests of pine, oak, cedar, and other trees, with a great variety of shrubbery. Extensive valleys of alluvial soil wind throughout the range; most of them susceptible of irrigation and profitable culture. The sides of the mountains themselves, with not a few of their summits, are adapted to agriculture. Copious and limpid springs abound in the high lands, fertilising the soil and forming innumerable rivulets which, gliding with a rapid current, unite their waters, until they swell into large and bounteous rivers, that scatter plenty over the central and western districts of the Brazos and Bexar. Of the table lands beyond the mountains, which are said to be healthy and fertile, little is known, and still less of the northern region, extending to the 42° of north latitude.

Edwards in his history of Texas, calculates that east of the Trinity river one-third of the land is fit for the plough, between the Trinity and Colorado one-half, and west of the Colorado one-fourth. These proportions, though in the main conjectural, afford a fair estimate of the relative agricultural capacities of the several districts.

The section of country lying between the Nueces and Rio Grande has been little explored for settlement. At the close of 1833, and during the two subsequent years, emigrants were placed by a New York Land Company, under an Empresario grant, at a settlement called Dolores on the Rio Grande. The report of Mr. Egerton, the company's surveyor, to which I shall have occasion to refer hereafter, represents the banks of the Rio Grande as well adapted to farming; and describes the whole country between that river and the Medina, as

not to be surpassed for the raising of stock. The land is flat, and rich in pasturage, but rather deficient in water, there being no considerable streams between the Nueces and the Rio Grande.

Such are the general features of Texas, the first appearance of which is unfavourable, from whatever point it may be approached. If by sea, a low sandy beach, backed by wet and level prairies, offers few inducements to the agricultural settler. If by the Rio Grande, it wears an aspect of aridity; and if by Louisiana and Red River, it breaks upon the observer as a poor upland district, overrun with wood, with a weak soil of alternate sand and clay. But, after traversing the borders and advancing towards the interior, the scene is entirely changed. Then this singular country exhibits its beauties and develops its resources. In the rolling and hilly sections, the grazier and cultivator of the products familiar to the European farmer may obtain easy and ample returns from plains and valleys unrivalled for natural attractions: and on the low line of the coast, the enterprise of the southern planter will be prodigally rewarded by the vegetable treasures of a tropical clime. To the settler who desires to enjoy the advantages of the upper region without fixing his residence remote from the sea, the western coast of Texas, with its sparkling streams flowing through a fertile and picturesque country, until they blend with the blue waves of the gulf, is more suitable than the eastern. But it is the peculiar charm of Texas, that it offers to the most dissimilar tastes and habits the means of selecting a "place of rest" in some congenial spot.

Towards the northern limits of the Republic of Texas

extends the territory of Upper California, which, blessed with the greatest fertility, and capable of sustaining a population of five-and-twenty millions, is almost a waste, inhabited only by a few thousand free settlers and Indian converts at the Franciscan Missions, in addition to a number of wretched and thinly scattered native tribes.

CHAPTER II.

General character of the Sea-coast on the Gulf of Mexico—The Coast of Texas until lately almost unknown to Navigators—Sand-bars, Islets, and Lagoons—Alluvial Accumulations and Encroachments of the Land on the Gulf—Sabine Bay and its Tributaries—Red River of Natchitoches—Galveston Bay and its Tributaries—San Luis Harbour—Brazos River and its Tributaries—San Bernard and Old Caney—The Bays of Matagorda, La Baca, Espiritu Santo, Aransas and Corpus Christi, with their Tributaries—Laguna del Madre—Rio Grande del Norte—Fresh Water Lakes and Ponds—Sudden Disappearance of small Streams—Average Supply of Water—Difference between the Rivers on the Eastern side and those Westward of the Rocky Mountains.

THE sea-coast of Texas, until settlers from the United States attracted commerce to the country, was almost unfrequented by mariners. "The Intendancy of San Luis," says Humboldt, "comprehends more than 230 leagues of sea coast, but without commerce, and without activity, with the exception of a few small vessels which come from the West Indies to lay in provisions, either at the bar of Tampico near Panuco, or at the anchorage of New Santander. That part which extends from the mouth of the Rio Grande del Norte to the River Sabine is almost still unknown, and has never been examined by navigators. It would be of great importance, however, to discover a good port on this northern extremity of the Gulf of Mexico. Unfortunately, the eastern coast of New Spain offers every where the same obstacles—a want of depth for vessels drawing more than twelve feet six inches of water—bars at the mouths of the rivers—necks of land and

long islets, of which the direction is parallel to that of the continent. The shore of the provinces of New Santander and Texas, from the 21° to the 29° of latitude, is singularly festooned, and presents a succession of interior basins, some of them completely shut in, others communicating by several channels with the ocean. The latter are of great advantage to the coasting trade, as coasting vessels are there secure from the great swells of the ocean. It would be interesting for geology to examine if these *lagunas* have been formed by currents penetrating far into the country, by irruptions, or if those long and narrow islets, ranged parallel to the coast, are bars which have gradually risen above the mean level of the waters."

On the Atlantic side, the commerce of New Spain has two main openings—Vera Cruz and Tampico. The port of Vera Cruz, according to the same authority, is merely "a bad anchorage among shallows." Tampico is safer for shipping, although the bar prevents the entry of vessels drawing more than a light depth of water. "The coast of Mexico, along the gulf, may be considered as a dyke, against which the trade winds and perpetual motion of the waves from east to west, throw up the sands which the agitated ocean carries along. The sands heaped up by the vortices of the waters from the peninsula of Yucatan to the mouths of the Rio Grande and the Mississippi, miserably contract the basin of the Mexican gulf. The rivers which descend from the Sierra Madre, and enter the Atlantic ocean, have, in no small degree, contributed to increase the sand banks. The coast of New Spain, from 18° of latitude (the parallel of Vera Cruz) to 26° (the parallel of the

Rio Grande), abounds with bars, and vessels which draw more than twelve feet and a half water cannot pass without danger of grounding."

From the Sabine River to the Nueces the coast in general is even and uniform, and easily run by the soundings. The bars at the mouths of the rivers are formed of shifting sands, which are subject to much change, according to the wind. There are numerous bays, lagoons, and openings of rivers, along the whole coast, capable of being navigated by vessels that can cross the bars, which are covered with a depth of water ranging from three to twelve feet and above, in different localities.

On Oyster Creek, about two miles from the mouth of the Brazos, on both sides of the Brazos, the St. Bernard, Caney, and the Colorado, an abundance of timber may always be procured, consisting of cedar, cypress, cotton wood, elm, ash, live oak, black oak, post oak, &c.; and in addition to this, on the whole line of coast, are immense quantities of drift-wood, furnishing a never-failing supply of fuel, and offering an inducement to the introduction of steam navigation upon rivers better adapted to that mode of communication than for sailing vessels, in consequence of the bars at their entrance.

On the eastern coast of Texas there is an immense deposit of the finest sand, with a profusion of small marine shells, and it is apparent that from the accumulations of the numerous rivers and creeks, especially during their periodical swells, arises the original formation of the bars, by which additions are afterwards made to the land. Hence the coast may be said to be

gaining on the gulf, and although many years must elapse before any decided change is effected in the general features of the country, yet it is certain that the gradual encroachments will eventually produce material alteration, as well in the mouths of the rivers, as in the present aspect and configuration of the coast. To the operation of like causes, geologists are warranted in attributing the formation of the vast alluvial basin of the Mississippi.

Beginning at the Sabine, and proceeding in a southwesterly line along the coast, the bays of Texas are, Sabine, Galveston, Matagorda, La Baca, Espiritu Santo, Aransaso and Copano, Corpus Christi and Nueces, with the Barra de Santiago. The anchorage is generally good, and as the water shoals gradually, vessels approaching the coast may be guided by the lead.

Enumerating them in a similar order, from the northeastern frontier, the principal rivers are the Red River, Sabine, Neches, Trinity, Brazos de Dios, Colorado, Guadalupe, San Antonio, Nueces, Rio Grande del Norte. At a short distance from their mouths, the majority are narrow and deep, with steep and shelving banks. They are liable at some points to overflow, but the waters usually recede within the banks early in the spring. The land invariably ascends from the water-courses, and thus precludes the formation of unwholesome swamps and pools.

Sabine Bay and Its Tributaries.

The estuary of the Sabine is a large bay, connected with the gulf by a narrow inlet, with a soft mud bar at the entrance. It has a sufficient depth of water for

vessels of ordinary burthen. Its principal tributaries are the Sabine and the Neches rivers, with their branches. The land, which around the bay is low and destitute of timber, is of inferior quality for agriculture, but well adapted to grazing.

Steam-boats have ascended the Sabine to a considerable distance from its mouth. A raft, deemed by some an insuperable obtsacle to the navigation, was removed in four weeks, by order of the War Department of the United States. The first attempt to navigate the river by steam was made in 1837, by captains Wright and Delmore in the Velocipede, which ascended as high as Gaines Ferry. The Velocipede was in length 125 feet, in breadth thirty-two feet, and drew six feet of water. In May 1839 a steam-boat plied regularly between the settlements on the river. The Sabine periodically overflows its banks.

The principal tributaries to the Sabine, from the west, are Bevil, Adams, Cypress, Big and Little Cow, Palo Gacho, Patron, Tanaha, and Cherokee creeks.*

The Neches, a river from fifty to seventy yards wide, and from ten to fifteen deep, enters Sabine Bay through a low prairie section, about eighteen miles north of the mouth of the Sabine. It is subject to periodical and extensive overflows. The entrance from the bay over the bar, at the mouth of the river, is about five feet deep. It is supposed to be navigable for small steamboats, more than one hundred miles. Sloops and schooners of light draft frequently ascend to Beaumont, a settlement on its western bank.

* The word "Creek" is misapplied by the Americans to running streams, and frequently to the outlets of lakes.

The tributaries of the Neches are Charles Creek—a deep, still stream, seventy-five miles in length, which joins the main stream from the west, about thirty-five miles from the bay—Big Sandy Creek, thirty-five miles in length—Alabama, or Village, Creek, which is navigable for seventy miles—the Angelina, a stream one hundred and seventy miles in length, which enters the Neches from the east. With little improvement, the Angelina might be rendered navigable for steam-boats during the winter season, nearly to the town of Nacogdoches. The Ayish Bayou,* seventy-five miles in length, and the Attoyac, sixty miles in length, enter the Angelina, the former from the east, the latter from the west. The Ayish Bayou is capable of being made navigable for small craft during the winter to the extent of forty miles, as is the Attoyac, for a short distance, during the same period of the year.

Pine Creek is a branch of the Neches from the west, above forty miles in length. Sixty miles above Pine Creek, San Pedro Bayou unites its waters to the Neches, which might be navigated during winter nearly to this place. Thirty-five miles above the San Pedro, the Neches branches out into a number of small, fertilising streams. It is a pleasant river, of a gentle current, with few obstructions, and seldom overflows its banks.

Taylor's Creek, a small stream which enters Sabine Bay from the west, a few miles above the city of Sabine, is about forty-five miles in length: a canal of four miles

* The word *bayou*, borrowed by the Americans from the early settlers of Louisiana, is rather loosely applied in the topography of Texas and the West. In strictness, I believe it means a deep inlet, which affords a channel for the water in time of flood, and remains dry, or nearly so, at other seasons.

would unite it to a branch of East Bay—an arm of the Bay of Galveston.

Red River.

Red River (the *Rio Roxo de Natchitoches* of the Spaniards), which forms the northern boundary of Texas, separating it from Arkansas territory, is said to take its rise in about 104° west longitude and 35° north latitude, and after an estimated course of 1,500 miles through a fertile and picturesque region, receiving the contributions of many subordinate streams, it augments with its turbid waters the majestic volume of the Mississippi, in about 91° west longitude, and 31° north latitude. Since the removal of the Great Raft, which extended 165 miles on the stream,* it affords a navigation of twelve hundred miles, independently of the communications through its tributaries, which, with moderate improvement in their channels, will afford six hundred more. This river derives its name from its waters, which, especially during the vernal and autumnal swells, are of a deep crimson, and transfer the colour to the alluvial deposits on the banks. A large proportion of the immigration into Texas is by the steam-boats on the Red River, the lands on both sides of which are being settled with great rapidity. In the disputed territory

* The removal of the enormous mass of drift-wood called the "Great Red River Raft" was effected, in 1838, by Captain Henry M. Shreeve, who was employed for that purpose by the Government of the United States. The mechanical ingenuity of Captain Shreeve has wonderfully improved the navigation of the western rivers by removing the sunken trees, which, under the name of "snags" and "sawyers," are noted and formidable obstacles to steam-boat navigation. The boat used for removing the snags was a steamer of the simplest construction, but of such power

between the United States and Texas, along the course of, and near the Red River, a great number of small lakes are dispersed, which probably have been formed by the waters of this stream, forced back by the immense raft which completely blocked up the channel. The largest of these lakes is Caddo, or Soda, Lake, near the south-eastern boundary. The greater part of it is quite shallow, and many trunks of the decaying trees, which formerly grew upon its present bed, still project from its waters, rendering its navigation dangerous. Small steam-boats are almost constantly plying between the shores of this lake and the portion of the Red River below.

Caddo River, a branch of Lake Soda, is about forty miles in length, and partly navigable by steamboats. Cypress Bayou, a branch of the Caddo, about thirty-five miles in length, is not navigable.

Sulphur Creek is a branch of the Red River, navigable for steam-boats sixty miles. Bois d'Arc, another branch, is not navigable; Big and Little Washita (or Ouachita) enter Red River about sixty miles above the "Cross Timber." About forty miles west of the *embouchure* of the Big Washita, the boundary line of Texas, which extends along Red River upwards of four hundred miles, crosses that stream, and diverges north to the Arkansas.

that the largest tree, however firmly imbedded, was extracted in a few minutes. Scores of such trees are raised in a single day, with the assistance of a few hands. The expenditure for the removal of the Great Red River Raft, with the cost of constructing a steam snag-boat, to prevent the formation of fresh obstructions, has been above 300,000 dollars. The working of the snag-boat for a necessary term, and other improvements, would occasion a further outlay to the United States of 100,000 dollars.

No precise information has yet been given to the public respecting the country intervening between the Big Washita and the head waters of the Red River, which is traversed as a hunting ground by the Comanches and other Indian tribes.

A survey and field notes, with other useful manuscript documents, liberally furnished for this work by Mr. Charles Edwards of New York, enable me to throw some additional light on the topography of this little explored region.

Galveston Bay and Its Tributaries.

From the Sabine inlet to Galveston inlet is reckoned about sixty miles by the coast.

The Bay of Galveston extends about thirty-five miles from north to south, and from twelve to eighteen miles from east to west. The harbour has a general depth of from eighteen to thirty feet of water, the average depth in the bay being nine or ten feet. About twenty miles above Galveston Island the bay is intersected by Red Fish Bar, which runs completely across, and over which there is but five or six feet water.

As several vessels have been lost in trying to make the port of Galveston, (and among them the British ship "Virginia," in the spring of 1840,) although it is by no means difficult of access, I quote, for the guidance of mariners, the following extract from a letter, published in the summer of 1839, by Mr. George Simpton, pilot of Galveston. Mr. Simpton, who is a native of England, and has served in the British Navy, thoroughly understands his duties, as has been testified by the declaration of the principal officers of the United States' war schoon-

er "Grampus," which vessel he piloted into, and out of, Galveston, in October, 1838.

"Our country is so little known even in the United States, that many erroneous rumours are obtaining circulation in almost all their north-eastern ports respecting Galveston bar and harbour.

"In the first place: it may be approached with *less danger than any port in the United States*, as the whole line of coast west of the Sabine, in *five fathoms of water*, is the best of holding ground—and a vessel may ride with perfect safety throughout the year, so that masters of vessels bound to Galveston, having good ground tackling, need not be apprehensive of a lee-shore —that seeming to be their principal object of alarm.

"As both the latitude and longitude of the east end of Galveston Island, laid down on charts and books of directions, are incorrect, and, in consequence, many vessels have run to the westward of this port, by the error in longitude, and the prevailing westerly current, the following is the correct latitude:—29° 16′ 37″ north; 94° 49′ 41″ west longitude.

"My statement of the latitude and longitude is gathered from the best sources, as I am indebted to many officers of well-known reputation in the Navy, as well as commanders of trading vessels, for their kind assistance, both by observations and chronometers. Masters of vessels may, therefore, lay aside all doubts and fears.

"Galveston has, heretofore, on account of its being low land, been found difficult to make; but now that we have upwards of three hundred houses, many of them so lofty that, from the mast-head of a vessel, they may be

distinctly seen at a distance of twenty miles, it is easily made. Vessels, however, of heavy draught should not approach the bar nearer than *six* fathoms—and then, by making a signal for a pilot, they will be promptly attended to. Vessels making this port at night would do well to come to an anchor till daylight. For the convenience of obtaining a pilot, vessels, drawing eight feet or less, may approach as near as *four* fathoms of water.

"I do not hesitate to say, that a vessel, once anchored in Galveston harbour, is as safe as in any harbour in the United States.

"Masters of vessels are particularly requested, on sighting the city, if to the eastward, and it bearing a little to the southward of west-south-west, immediately to haul off to six fathoms, the town bearing south-west by west. They will then be in a fair way for the bar. If to the westward, run to the eastward until the town bears as above.

"In conclusion, let me remark that we have now a first-rate pilot-boat constantly on the look-out for vessels nearing land."

At the *highest Spring tides*, not more than thirteen feet and a half depth of water has been found on the bar of Galveston, and but ten feet at low water. Mr. Simpton, in correction of misrepresentations on the subject, has stated that at no time has he found above twelve and a half feet, and this depth only at high spring tide.

The prevention of the prohibited slave trade and the defence of the coast may be efficiently provided for by stationing an active naval force at Galveston. As a harbour, Galveston is much superior to New Orleans. The depth of water on the respective bars is about equal,

but Galveston has an immense advantage in lying directly on the Gulf, and not requiring the aid of steam tow-boats to assist the progress of shipping.

East Bay, an arm of Galveston Bay formed by East Bayou, which rises near Sabine Bay, is about thirty miles in length. Point Bolivar, a narrow neck of land about thirty miles long, and from two to six wide, divides East Bay from the Gulf. The bay is bounded by low prairies, destitute of timber, with the exception of some groves of live oak. East Bay and Sabine Lake might, as has been observed, be easily united, by opening a communication between East Bayou and Taylor's Creek.

Double Bayou and Turtle Creek are small streams that enter Galveston Bay from the east, above Red Fish Bar.

Trinity (Trinidad) River, the principal tributary of the Bay of Galveston, is one of the largest rivers of Texas, and possesses at present the greatest comparative extent of navigable waters, having been navigated by steam-boats between three and four hundred miles from its mouth. It is generally about from sixty to eighty yards wide, and eight or ten feet deep, with a rapid current. For eighty miles from its mouth, it runs through a low prairie country, and though its banks are generally steep, its borders in many places are liable to inundation.

Coshatta, or Kettle, Milton, and Kickapoo Creeks enter the Trinity from the east, and Bidias, Bear, and Mulberry Creeks from the west: Hurricane and Bois d'Arc Creeks, on the east, and Richland and West Fork, on the west, are the principal remaining tributaries of the Trinity.

San Jacinto Bay is a branch of the bay of Galveston, containing several pleasant islands. The San Jacinto river, which flows into the bay, is navigable by small steam-boats for a part of its course. Its principal tributaries are Cypress Bayou, and Spring and Lake Creeks. The banks are generally high and little exposed to inundation.

Buffalo Bayou, which flows into San Jacinto Bay, is navigable at all seasons, for steam-boats drawing six feet water, as far as Houston, about thirty-five miles from its mouth. Its principal tributaries are Green Creek and White Oak Bayou from the north, and Vince's, Sim's and Bray's Bayou from the south.

Clear Creek is a small stream flowing into Galveston Bay on the west, above Red Fish Bar; Dick's Creek, another small stream, enters Galveston Bay, a short distance below Red Fish Bar; Moses, Highland, and Hall's Creeks enter the same bay from the west, as does also Chocolate Bayou, a stream about thirty miles in length, near the western extremity of Galveston island. New Bayou differs little in appearance from Chocolate Bayou.

San Luis Harbour.—San Luis Harbour and Inlet are situated near the west end of Galveston island, and derive their chief importance from their proximity to the mouths of the Brazos river and Oyster Creek, the commerce of which with foreign countries will perhaps be conducted through this medium of communication, in consequence of the obstructions to navigation at the confluence of those rivers with the gulf. The harbour is formed by San Luis island and a neck of the mainland, which are said to afford effectual shelter in any weather. It is connected with the bay of Galveston by

a shallow sound of from four and a half to six feet water. This harbour is pronounced by some authorities to be one of the best upon the coast of Texas, and equal to any situated on the Mexican gulf. It has been examined by officers of the Republic, as well as by private individuals, and the average depth of water is represented in these reports to exceed twelve feet and a half. The harbour is described as perfectly safe—the channel easy of entrance, and vessels drawing ten feet water may, it is stated, approach within six feet of the shore, either on the island of San Luis, or the mainland. Bastrop Creek, of which Fleus and Austin Bayous are branches, flow into San Luis harbour.

A company have purchased the island, with part of the mainland, including the harbour, for the purpose of laying off a town, which they propose to connect with the Brazos river by a railroad or canal, and thus obtain the shipments of the produce of the great cotton region of Texas. It is proper to observe that there is considerable difference of opinion (originating probably in conflicting interests) as to the maritime advantages of San Luis.

Brazos River and Its Branches.

The distance from Galveston inlet to the *embouchure* of the Brazos is about forty miles coastwise.

The Brazos de Dios, usually called the Brazos River (on the older maps, the *Rio Flores*), rises in the Guadalupe mountains, and has a circuitous course, the whole extent of which is computed to reach one thousand miles. Like Red River, the waters of the Brazos are frequently red, from earthy deposits, and brackish, owing to one

of its branches running through a large salt lake, far in the interior. The name of Colorado would be applied to the Brazos with much greater propriety than to the river so designated, the waters of which, instead of being red, as the name indicates, are clear, except during or after its periodical rising; whereas those of the Brazos, are red and muddy. The banks of the Brazos, for an extent of two hundred miles from its mouth, range in depth from twenty to forty feet, and in ordinary seasons are not overflowed. After heavy rains, in the upper country, the river swells into a torrent, which descends with great impetuosity. The banks, however, being formed of a tenacious and slippery red or blue clay, seldom yield to the force of the current. A substratum of the same description of clay extends beneath the sand-bar of the river and the beach; and it is believed that a sufficiently solid foundation might be found for the construction of works, by which the bar could be reduced so as to admit vessels drawing sixteen feet of water, which could then ascend the stream to a considerable distance.

The Brazos enters the gulf without forming any bay, and a shifting sand-bar extends a considerable way from its mouth. Velasco and Quintana are situated, on opposite sides, at the entrance of the river. In approaching the harbour, the Brazos must be made N.W. by N. as far up as Velasco on the eastern shore. The first reach of the river lies at a short distance above, stretching to the west; and its course is then very serpentine all the way to Brazoria (thirty miles), but with an equal depth of water, sufficient to float vessels of comparatively heavy burthen. The depth of water over the bar ranges

from six to eleven feet, according to the winds, averaging, during the year, about seven feet. A strong current draws south-west, after passing the bar, running at the rate of from three to four knots an hour; and in approaching the river at Velasco, this current must be carefully provided for, especially with a north-east wind.

The Brazos is exceedingly well adapted for steam navigation. Opposite Velasco its width is about 170 yards, and for five hundred miles it varies from 150 to 200 yards. A large bayou, called East Union, runs from the prairie to the Brazos, and communicates to the north with Oyster Creek, a stream that runs near the western part of Galveston Bay, and opens to the gulf by an independent mouth, less than two miles from Velasco. The bar of the creek is covered with water, from three to five feet in depth, according to the operation of the wind.

So early as the year 1834 a small steam-boat plied from the mouth of the Brazos to San Felipe de Austin, the head-quarters of the first colony from the United States, 150 miles from the sea by the course of the river. Since that time the enterprise of the settlers from the north has produced a great comparative increase in the number of river-steamers. The navigation of the Brazos requires and is susceptible of much improvement; at present, it presents obstacles to the ascent of steamers of moderate size as high as Richmond, except during the rise of the waters in the winter season.

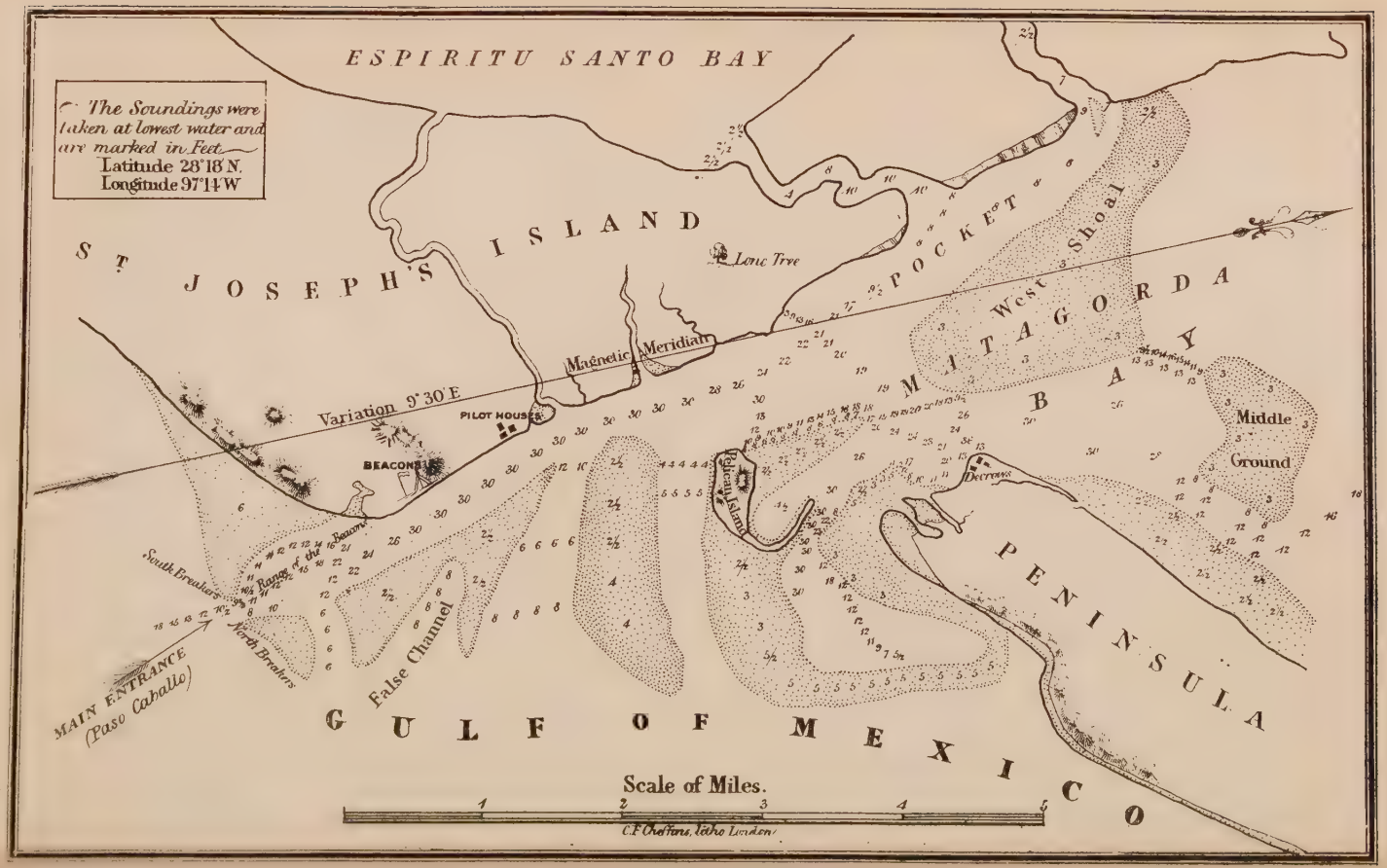
The following minor tributaries enter the Brazos from the east:—Marsh, Fish Pond, Clear, Ten Mile, Bowman's, Peyton's, Fresh, Tahuacono, Bear, and

Aguila creeks; and from the west, Crow, Big, Mill, Caney, New Year's, Elm, Pond, Davis, Cow, Lake, and Towacaney creeks. The branches of greater note are, —the Navasota, from the east, to which there are four small tributary streams; the Yagua, on the west, having a like number of branches; the Little Brazos, with which four creeks unite, from the east; the San Andres (or Little River) from the west, of which, Sandy, Brushy, San Gabriel, Clay's, Salado, Lampaces, and San Leon creeks, are branches; the Bosque, from the west; Nolan's River and the Red Fork (the latter imparts its ruddy tinge to the Brazos) from the east; Palo Pinto and Tahcajuncua from the west. The Incoque, an important branch of the Brazos, rising in the Guadalupe mountains, flows eastward, until it adds its contribution to the main stream.

Above its falls the Brazos is a smooth and placid body of water, and for many miles towards the source its apparent magnitude is as great as it is below the falls. Seven miles below Brazoria, and east of the Brazos, is a lake four or five miles long, and only 200 or 300 yards wide, so closely resembling a portion of the Brazos in appearance that there can hardly exist a doubt that it once formed the bed of the stream, which possibly, at some former day, poured its waters into the west bay of Galveston.

San Bernard and Old Caney.

The San Bernard, a river 135 miles in length, enters the Gulf of Mexico about fourteen miles south-west of the mouth of the Brazos. It has two tributaries from the west, the West Branch and Peach Creek.



ESPIRITU SANTO BAY
The Soundings were taken at lowest water and are marked in Feet
Latitude 28°18' N.
Longitude 97°14' W
ST JOSEPH'S ISLAND
Lone Tree
POCKET
West Shoal
MATAGORDA BAY
Middle Ground
Magnetic Meridian
Variation 9°30' E
PILOT HOUSES
BEACONS
Pelican Island
Decrows
PENINSULA
Range of the Beacons
South Breakers
North Breakers
False Channel
MAIN ENTRANCE (Paso Caballo)
GULF OF MEXICO
Scale of Miles.
1
2
3
4
5
C.F. Cheffins, litho London

About eighteen miles from the *embouchure* of the San Bernard, Old Caney Creek, a stream forty-five miles in length, having its source within a short distance of the Colorado River, enters the gulf. It is conjectured that it has at some period formed the bed of the Colorado; at all events, they could now be easily united.

A succession of small lakes, under the name of the Cedar Lake Creek, extends from the gulf in a north-westerly direction.

Matagorda Bay and Its Tributaries.

From the mouth of the Brazos River to the Matagorda Pass is about eighty miles, the coast trending to the south-west.

The Bay of Matagorda, which is about sixty miles in length, and from six to ten in breadth, is separated from the Gulf of Mexico by a peninsula, varying in breadth from one to two miles. Paso Cavallo, the entrance into the bay, is situated in latitude 28° 18′ north, and longitude 97° 14′ west, about forty-five miles below the town. It is always safe for vessels drawing from eight to nine feet water, which, once within the bay, are as secure as if they were in a dock, being compeltely land-locked, with from eight to twenty feet depth of water, and a soft muddy bottom.

The annexed chart by Mr. Douglas Wallach, civil engineer from the United States, affords directions for vessels entering the bay of Matagorda. The report which accompanies the chart is also useful for the explanation it conveys, and is extremely curious as well as instructive, in regard to the evidence it supplies of

the rapid changes produced by the combined action of the winds and waters upon the coast of Texas: I therefore publish it at length.

"*Report of W. D. Wallach, Esq., Civil Engineer, on the Examination of the Paso Cavallo.*

"To the Board of Aldermen of Matagorda.

"Matagorda, March 25th, 1839.

"Gentlemen,

"I herewith send you a chart of the Paso Cavallo, drawn from the notes of a trigonometrical survey undertaken at the request of sundry citizens of your town, who were desirous of ascertaining the exact character of said Pass, and also a sketch of that part of Matagorda Bay lying between your town landing and the anchorage, which shows the result of an examination made by your order, with the plan of such works as I recommend for the improvement of navigation in that vicinity.

"The chart of the Pass shows the position and character of the coasts, channels, and shoals bordering on, or in any way affecting the navigation of the same. The definite position of the channels and shoals was ascertained by trigonometrical observations; that of the mainland and islands was obtained by meandering with the chain and instrument. The soundings marked on the chart may be depended on, as the result of careful measurements made at the lowest stage of water in some cases, and reduced to that standard in all others.

"I find that the channel east of Pelican Island, and next to the Peninsula, is rapidly closing up. A year ago there was nine feet over the bar, where there is but five feet at the time being. This fact is to be accounted for, in the first instance, by the enlargement of Pelican Island, which is daily extending its dimensions. Its position being near the centre of the *debouche* of the bay into the Gulf of Mexico, serves to divide the force of the current, as well as to form a firm

base upon which sands accumulate that are thrown there by north and north-east winds, thus forming the shoal making out from Pelican Island in a due north-course; which, together with that forming the pocket with St. Joseph's (as will be seen by inspecting the map), are so situated as to pass between them, and to give direction to the greater part of the current coursing down the bay, and thereby to lessen its original effect in scouring the sands forming the bar at the entrance east of Pelican Island, which bar is made by the action of the south and south-west winds upon the waters of the gulf. A third shoal, making out from the extreme west point of the peninsula, may be adduced as an additional cause operating to produce the before-mentioned effect. This last shoal is formed by sands thrown up from the bay by the north and north-east winds, and by those thrown up from the gulf by south and south-east winds, as well as by the blowing of sand left dry at the ebb-tide on the beaches bordering both the bay and gulf. It is so protected by the peculiar form and position of the point of the peninsula from violent abrasions, either by currents or swells, and by the eddy created over it, during the flow and ebb of the tides, that it is enlarging much more rapidly than any other obstruction to navigation affecting the said eastern entrance.

"The growth of these obstructions will probably stop the passage of the water through that channel entirely. From a close study of the peculiar operation of the currents and winds, as developed by the perceptible change now taking place in the form of the west point of the peninsula, I am induced to believe that the bay, in former times, entered the gulf much to the east of its present *debouche*, for the action of all causes of sufficient importance to affect the water may tend to stretch the peninsula towards the west: indeed, I have been informed by gentlemen who entered the bay some seventeen years ago, that at that time the main channel was situated one-third of the distance from Decrow's house to the sand hammocks near the present end of the peninsula above ordinary low water mark. It was furthermore remarked, that Pelican Island, which at present is large enough to afford

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safe and ample protection to all vessels anchoring under its lee, was then about as large as Red Fish Shoals, which are just rising high enough to show their crown above low water mark. At that rate, ten years will make a marked difference in the position of the present pass and channels thereabouts. The shoal (having two and a half feet water over it) coursing down the peninsula from east to west, and extending one-third of a mile into the bay, will have followed the formation of the peninsula, and will probably occupy the position of the channel close to the peninsula, opposite Decrow's house. Another circumstance tending to strengthen my belief in the remarkable changeability of the point of the peninsula, was the effect of a single storm and flood (which occurred during my sojourn there) upon the mouths and dimensions of the various lagoons, ponds and bayous, which course through the west end of the peninsula in all directions. The light sands forming the point were driven about so as to change its appearance materially; some lagoons were opened, others closed, as if by magic; new sand hammocks sprung up, and the end of the peninsula, above ordinary low water mark, made about 100 feet towards west. Such are, and naturally will be, the effect of the meeting of strong currents and violent winds upon low sand flats, in like situations. When the passage closes entirely, the result will be highly beneficial to navigation, for it will force the whole body of water through a much narrower channel, and thus either scour the bar affecting the main entrance, and produce a greater depth of water over it, or it will scour some one of the bars connecting the shoals between Pelican Island and the main pass. If the main pass be deepened, then that increase will enable vessels to trade in this bay that draw more water than any now engaged in the business of the country. If either of the other bars be scoured, it will open an additional channel, probably as deep as the present main entrance, which I judge of sufficient depth to permit the entrance of vessels drawing nine and a half feet water. This additional channel will take its direction from the shoals between which it may lie. The chart will show you at a glance, that let either of the lower

passages be the one deepened, the effect will be to permit vessels to enter, quartering with the wind due north, that being the only direction from whence a breeze renders it at all difficult to enter.

"The four feet channel immediately south and west of Pelican Island can never deepen so as to be of service, as it lies nearly at right angles to the direction of the current running out, which scours the bar; it also lies parallel to the direction of the south-east winds, and their action on the waters from the gulf from the bars. The coast of St. Joseph's Island is slowly being worn away by abrasion, though by no means so rapidly as the shoals are forming, which will unite Pelican Island to the Peninsula, so that, at a future time, when the passage next the peninsula may have closed, it can be secure from further injurious washing by a sea-wall built parallel to its base. I suggest this project for action at some remote period, when the compression of the waters into a much narrower channel than they now flow through will (as I think highly probable) have increased the depth over the bar. Then, great national benefits may be received by expending an amount of money to make the change permanent, which will be trifling when compared with the good resulting therefrom. The soundings over the bar were taken on two different occasions: on the first day, there was an average low tide, then the least water found was ten feet eight inches. On the latter occasion the tide was remarkably low. A long continued north wind had reduced the level of water surface lower than it had been for three months, notwithstanding that this is the season at which extremely low tides may be expected. Then I found nine feet eight inches to be the least depth over the bar, in the position between the breakers noted on the chart; so that from ten to eleven and a half feet water may be calculated on with safety, as the average depth to be found there. I arranged the beacons, so that they now point 640 feet further west on the line between the breakers, which is the direction across the bar, affording two feet more water than is usually found, at the same stages of the tide, on the line navigated by the former pilot, that is, if we take the di-

rection of his beacons as the range in which he usually crossed. I have, however, judged it prudent to reduce all the soundings to the standard of lowest water, lest accident might happen to vessels navigating by the chart. I find that, at present, there are three anchorages immediately within the pass, which will answer the temporary wants of vessels either entering or departing, should winds or tides render a short delay advisable; though they are very subject to sudden changes from the shifting of the shoals bordering the islands and peninsula, and are therefore not to be depended on. After passing through the channel, between the "middle ground" and "west shoal," the course to the town anchorage is parallel to the peninsula, is of easy access, and affords a good holding ground. It is amply protected by the peninsula, mainland, and Dod Island Bar. By a trigonometrical observation, I ascertained that the position of an anchored vessel, drawing eight feet, was within four miles and two-thirds of the town-landing.

"I have the honour to be, Gentlemen,
"With much respect,
"Your obedient servant,
"W. D. WALLACH, C. E."

Judicious improvement in the bay and landing, with the removal of the obstructions to the navigation of the Colorado, which may be effected at an easy expenditure, would secure to Matagorda a first-rate position as a commercial depot. Its centrality, and its situation, with respect to the highly productive sections of the interior, impart to it peculiar and important advantages.

South-west of the main pass lies Matagorda island, which is about forty miles in length, and from four to six in width. Cavallo island intervenes between Matagorda Bay and the bay of Espiritu Santo, which are connected by two narrow passes.

Live Oak, Austin, and Prairie Creeks, small streams rising in a large prairie, enter Matagorda Bay from the north, to the eastward of the *embouchure* of its principal tributary—the river Colorado.

The Colorado of Texas rises in the Guadalupe mountains, from which it has a course to the sea of about 800 miles, running in a north-easterly direction to its junction with the Pasigono, whence it veers to the south-east. The banks are steep and seldom overflowed. About ten miles from its mouth is a "raft," formed of drifted timber, which obstructs navigation. The Colorado enters the bay of Matagorda by two outlets, about two miles apart.

The following creeks enter the Colorado from the east: Cumming's, Rabb's, Pine, Oak, Eblin's, Walberger's, Bear, Hamilton, Cypress, Honey, and Hunting; from the west, Wilson's, Jenning's, Jones', Buckner's, Cedar, Walnut, Onion, Spring, and Bull. The waters of Onion Creek sink towards the mouth, and the stream is much larger twenty-five miles from the Colorado than it is at the point of confluence, a peculiarity not uncommon in the minor streams of this district. Large springs frequently burst through the soil, and after running a few miles, entirely disappear. In the summer, the waters subside considerably in the beds of most of the subordinate streams.

The Agua Fria, formed by a large spring in the Valle de Flores, enters the Colorado from the west, twelve miles above Austin, the capital of Texas. The stream runs for 600 yards from its source through a solid block resembling marble, and then breaks into a perpendicular fall of twenty feet.

Twenty-two miles above Austin, the Piedernales, or Flint River, enters the Colorado from the west. Although its length does not exceed seventy miles, it is so much increased by tributary waters from mountain springs, that it rivals the main stream in volume near the point of confluence. Its banks are very steep, its current gentle, and its waters so transparent, that the pebbles in its bed are visible at a depth of many feet.

The Llano River flows from the same quarter as the Piedernales, which, as a body of water, it much resembles. A few miles above the mouth of the Llano, and four miles below Hunting Creek, are the great Falls of the Colorado, a succession of cascades extending about 800 yards. The first fall is about twenty feet perpendicular:—within 100 yards there is another of ten, and thus they continue until they reach a perpendicular height of nearly 100 feet. The Colorado flows with undiminished size and an untroubled current for about 200 miles above the Falls; in these characteristics resembling the Brazos.

The San Saba, a river of excellent water, about 200 miles in length, rises in a spur of the Guadalupe mountains, winding throughout its course between two hilly ridges, which extend from the mountains almost to the margin of the Colorado. The tributaries of this river are few and small. For forty miles above its confluence with the Colorado, the San Saba is about fifty yards wide, and generally deep, but obstructed by numerous shoals.

The Pecan Bayou, which enters the river Colorado about twenty-five miles above the mouth of the San Saba, has a course about 120 miles in length: 100 miles

above the mouth of the Pecan Bayou the Pasigono River enters the Colorado from the north-east. Its tributaries are the Piaroya, the Muchique, and the Salado Creeks. Above the mouth of the Pasigono, the principal branches of the Colorado are the Pisape junova, Arroyo Frio, and the Aguilas.

The general appearance of the Colorado is similar to the Thames from Chelsea to Richmond, being, perhaps, rather larger than the English river. During the dry season, at low water, its average depth may be from six to eight feet, except at the shoals. Of these there are but three of importance, composed of large loose rocks, easy to be removed. Even now, they admit the passage of boats drawing two feet of water. When the contemplated improvements have been completed, it is anticipated that the Colorado will be navigable by small steamers of a suitable construction, as high as Austin, which is about 220 miles above its *embouchure*. Measures are in progress for removing the raft of drift-wood above the mouth of the river.

Trespalacios Bay is situated at the confluence of the creek which bears the same name, with the bay of Matagorda. Vessels that cross the bar at Matagorda Pass can approach nearly close to the shore at this place. Twelve miles west of Trespalacios Bay, Caranchuhua creek enters the Bay of Matagorda.

La Baca Bay and Its Tributaries.

La Baca Bay is a north-westerly branch of Matagorda Bay, of easy access to vessels that have crossed the bar at the pass. Its principal tributary is La Baca River, which is about 100 miles in length, and has four feet

water for above twenty miles from its mouth, within a short distance of its junction with the Navidad, a stream of nearly equal extent. The waters of La Baca are clear and wholesome, flowing over a sandy bed intermixed with gravel. Mustang, Waterhole, Spring, Upper and Lower Rocky Creeks, and the Sandies, are tributaries of the Navidad; Mary, Augusta, and Valentine's Creeks, on the east, and Brushy, Smithers', Brown's, Rocky, and Ponton, on the west, are the remaining tributaries of La Baca River. Four small streams, the Aronoso, Garsitas, Union and Chocolate, flow into La Baca Bay. The La Baca and Navidad rivers are each navigable for small steam-boats, for about thirty-five miles from their mouths.

Espiritu Santo Bay and Its Tributaries.

The Bay of Espiritu Santo is a shallow body of water, formed by the confluence of the Guadalupe and San Antonio rivers, and connected with the bays of La Baca and Aransazua, so that vessels of light draft may pass from one to the other.

The river Guadalupe rises in the Guadalupe mountains, and flows in an easterly direction for about 200 miles, when it unites with the San Marcos, and assumes a south-easterly course, until it enters the bay. Owing to the numerous bends of the river, and the shallowness of Espiritu Santo Bay, the Guadalupe is of little utility as a medium of communication. It is generally about 150 yards wide and from five to six feet deep, with remarkably pure waters and very steep banks.

The Coleto River, which is sixty-five miles in length, flows in a south-easterly direction until it enters the

Guadalupe. Sandy Creek on the west, and Peach, Plum, Kerr's, and Smith's Creeks on the east, are tributary to the Guadalupe. The San Marcos a stream of considerable size, has its source in a spring which ejects its waters from beneath a large rock, and forms a transparent river forty yards in width and five feet in depth, abounding in fish. It is regarded as a natural curiosity. The Rio Blanco, a beautiful stream of crystal water seventy miles in length, enters the San Marcos a few miles below its source.

The San Antonio flows into the Guadalupe from the west, four or five miles from the bay. Four springs which rise in a small eminence at a short distance from San Antonio de Bexar, and unite about a mile above the town, form the river, which is fifty yards wide, and four or five deep,—ever pure, ever flowing, and preserving an equality of temperature throughout the year. The rapid waters of the San Antonio, running over a pebbly bed, are remarkably wholesome, and so clear that small fish may be seen distinctly at a depth of ten feet. The river is navigable for small steamboats to within ten miles of Goliad.

A few miles from the mouth of the Cleto, a creek which enters the San Antonio on the east, is the confluence of the Cibolo and San Antonio rivers. The Cibolo, which is one hundred and fifty miles in length, has its source in a spring that bursts from a peak of the Guadalupe mountains. It is a small stream destitute of tributaries, and of greatest apparent magnitude at its head waters.

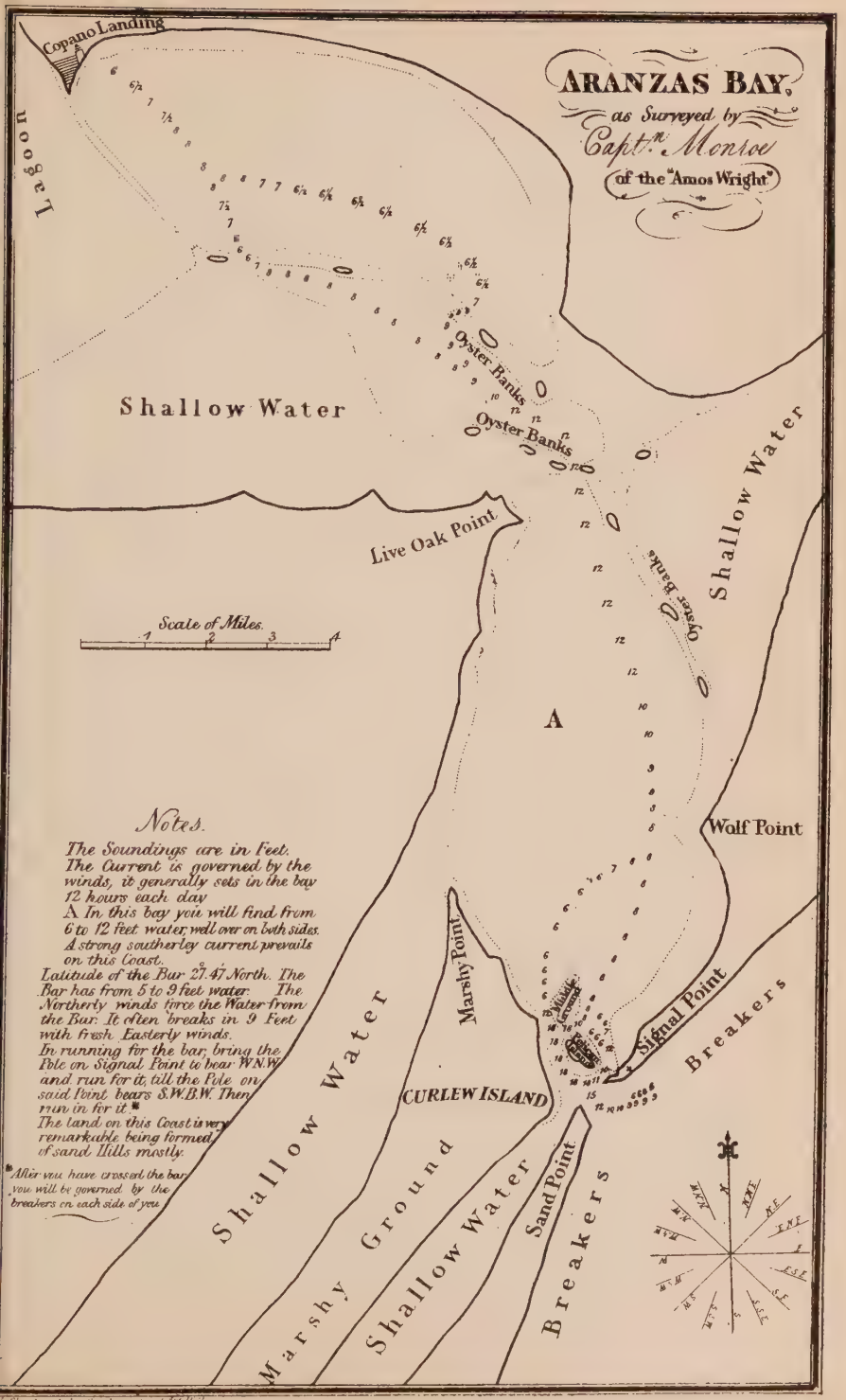
The Medina, the principal tributary of the San Antonio, is worthy of being wedded to its limpid mate.

It has its origin in a large fountain, in an extensive valley of the high lands, about eighty miles north-west of the town of San Antonio, and runs in a south-easterly direction, until it unites with the main stream, about twenty miles below the town. It is a very pretty river, about twenty-five yards wide, its bed lying about twelve feet below the surface, and its current flowing at the rate of three miles an hour. In the valley whence the Medina issues, it receives contributions from Potranca, Sauz, Jeronimo, Sequia, San Julian, and Bandera Creeks, all of which flow from springs in the high lands. The Medio and Leon Creeks enter the Medina from the north, below the mouth of the Potranca.

The Salado, a small but beautiful stream which issues from a spring about twelve miles north of San Antonio, and passes within three miles of that place, joins the San Antonio river about sixteen miles below the town.

Aransas, or Aransazua Bay and Its Tributaries.

The Bay of Aransas lies between the south end of the island of St. Joseph's and the north point of Mustang island, being very close to the latter, and almost at right angles with the coast. It is easy to be distinguished, and has a narrow, shifting sand bar at the entrance, the depth of water on which is very variable, according to the action of the winds. The soundings as laid down in Mr. Munroe's plan drawn up in 1833, and published in this work, cannot now be depended upon as a guide to navigators. According to the latest published authority, there is a depth of eight feet water over the bar at the lowest tide. Mr. Munroe, in the Amos Wright


ARANZAS BAY,
as Surveyed by
Capt.n Monroe
of the "Amos Wright"
Copano Landing
Lagoon
Shallow Water
Oyster Banks
Oyster Banks
Live Oak Point
Shallow Water
Oyster Banks
Scale of Miles.
1
2
3
4
A
Wolf Point
Notes.
The Soundings are in Feet.
The Current is governed by the winds, it generally sets in the bay 12 hours each day
A In this bay you will find from 6 to 12 feet water, well over on both sides.
A strong southerly current prevails on this Coast.
Latitude of the Bar 27.47 North. The Bar has from 5 to 9 feet water. The Northerly winds force the Water from the Bar. It often breaks in 9 Feet with fresh Easterly winds.
In running for the bar, bring the Pole on Signal Point to bear W.N.W. and run for it, till the Pole on said Point bears S.W.B.W. Then run in for it.*
The land on this Coast is very remarkable being formed of sand Hills mostly.
*After you have crossed the bar you will be governed by the breakers on each side of you.
Marshy Point
Middle Ground
Signal Point
Breakers
CURLEW ISLAND
Shallow Water
Marshy Ground
Shallow Water
Sand Point
Breakers

schooner, made the latitude of the bar in Aransas inlet, *by reckoning*, to be about 27° 45′. On his first approach, there was low water; the tide being out, the boat which was sent a-head only found six feet water, with breakers all across. He therefore anchored with a current setting to the southward, at least two knots. Vessels must be exceedingly cautious in lying to off the bar, as they will speedily drift to leeward. The next morning, at high water, he found nine feet water at the shallowest place, and upwards of half a mile across the bar without any breakers. The bar is very narrow, with good anchorage inside. A vessel must not attempt to proceed up the bay without sending a boat a-head to ascertain the passage. Between the outermost and inner bay there is an island: the passage is on the south-west side. It has been stated in Texas newspapers, several years subsequent to Mr. Munroe's survey, that a gale had wrought such extraordinary changes in the channel of Aransas bay, that the soundings which formerly gave only eight or ten feet, then gave eighteen or twenty! The bay is about twenty-five miles from north-east to south-west, and about twelve miles wide. It has a general depth of from twelve to sixteen feet, but is obstructed by a shoal and a range of islands which run across, and over which there is not more than four feet and a half of water. The harbour is perfectly secure. Sailing vessels, or steam-boats, drawing four feet and a half water, may pass through the bays of Matagorda and Espiritu Santo; into the bay of Aransas, and from that into Corpus Christi Bay, whence there is a passage with about three feet water into the Laguna del Madre and the Barra de Santiago.

The island of St. Josephs is about twenty-four miles in length, and from two to four in breadth. It is separated from Matagorda island by the Espiritu Santo inlet.

Copano Bay is a branch of Aransas twenty miles in length, and from one to three in breadth. A neck of land, which bears about north-west of the bar, distant twenty-five miles, called Live Oak Point, high and pleasantly situated, with good water and a heavy growth of live oak, separates Copano from Aransas. Any vessel that has crossed the bar of Aransas can enter Copano Bay. Off this point the passage is difficult, on account of the oyster banks.

No large tributaries flow into these bays. The rivers Refugio and Aransas, with Copano and Melon's Creeks, are the principal. The river Refugio, which enters the Copano Bay through an inconsiderable body of water called Refugio Bay, is formed by four clear streams,—Saco, Blanco, Middle, and Sauz. Refugio River is navigable for steam-boats drawing three feet water, up to the town of Refugio. Aransas River is about eighty miles in length, and has a few small branches of pure water.

Corpus Christi Bay and Its Tributaries.

Corpus Christi Bay is about forty miles from north to south, and twenty from east to west. It is accessible from the gulf by a narrow pass over the bar, on which there is from five to six feet water. The bay is beautiful: the water deep, clear, and free from bars, and the beach elevated.

Mustang Island, which separates the bay from the

Gulf of Mexico, is about thirty-five miles in length, and from two to four in breadth. The situation is fine, and the land rich, but destitute of timber.

Nueces Bay, a branch of Corpus Christi Bay, with which it is connected over a pass of four feet water, is formed by the *embouchure* of the Nueces River, its only tributary, and is about ten miles long, and five wide.

The Rio de las Nueces, or Nueces River, a beautiful and rapid stream, rises in the Guadalupe mountains, running nearly in an easterly direction, a course of about 300 miles. The stream, which is deep and narrow, with very steep banks, is navigable for small boats about forty miles from its mouth, and, with some improvement, the navigation might be extended to the point of confluence with the Rio Frio, its principal tributary. The latter river rises in the Guadalupe mountains, and is about 150 miles in length; its chief tributaries are the San Miguel, Atascosá, the La Parida, Tordillo, and Puenta de la Piedra. The San Miguel is about 120 miles in length, and runs almost parallel to the Rio Frio, until they unite. It has a number of tributaries, most of which rise in an extensive prairie between the Medina and the Rio Frio. Its remotest branch is the Arroyo Saco, which rises in a beautiful and fertile valley between two considerable mountain ranges. The Laguna, the Leona, and the Arroyo de Uvalde, are also branches of the Rio Frio,—the last-named being formed of nearly a hundred springs of crystal water that gush from the munificent soil of the valley, which is headed by a singularly difficult defile, named the Canon de Uvalde.

Three small streams enter Corpus Christi Bay west

of the mouth of the Nueces, Agua Dolce, Las Pintas, and Salt Creeks.

Three miles from the Nueces is a pond or lake, two or three leagues in length, and one hundred yards in width, stocked with a variety of fish.

The Laguna del Madre and Its Tributaries.

The Laguna del Madre is a long, shallow sound, formed by the mainland upon the west, and the Isla del Padré upon the east. It is above eighty miles in length, and from four to six in width. Its shallowness renders it little available for navigation, having in many places not more than from eight to fourteen inches of water. Near to the mainland, there is a narrow channel, with an average depth of three feet and a half.

At the southern extremity of the lagoon is the inlet of Barra de Santiago, which has from six to seven feet of water on the bar, and affords safe and commodious anchorage within. Most of the goods intended for the Mexican town of Matamoros, south of the Rio Grande, are landed here, and drawn by waggons to their destination. A narrow neck of land intervenes between the Barra de Santiago and the Rio Grande.

The San Gertrudes, a stream of brackish water, rises in a large prairie, and runs in an easterly direction until it reaches the lagoon. A fresh-water lake (La Escondida) communicates with this stream by a rivulet. The Los Olmos, a stream about sixty miles in length, enters the lagoon twenty miles south of the mouth of the San Gertrudes. The Sal Colorado is a salt-water river, fifty

miles in length, which rises in a prairie country, and flows into the southern part of the lagoon, towards the Barra de Santiago.

The Rio Grande del Norte, or Great River of the North.

The Rio Grande, called also the Rio Bravo, from its rapid current, rises in the Sierra Verde, which forms the point of separation between the streams that flow into the Gulf of Mexico, and those which flow into the Great Southern Ocean.

The sources of the Rio Grande are divided from the sources of the Western Colorado, which flows into the Gulf of California, by a mountainous tract, from twelve to thirteen leagues in breadth. This is one of nine points mentioned by Humboldt, as offering a greater or less probability of opening a communication between the Atlantic and Pacific Oceans. It has an estimated course of 1,800 miles, with but few tributaries. Of these, the principal is the river Puerco, which is about 500 miles in length, and runs nearly parallel to the Rio Grande, at an average distance of eighty miles. At its junction with the Rio Grande, from which it is separated by disgregated mountain ridges, the stream of the Puerco is about 100 yards in width.

Like the Mississippi, the Oronoco, and other great rivers of the American continent, the Rio Grande has its periodical risings. Its waters begin to swell in April, they are at their height early in May, and they subside towards the end of June. The banks are extremely steep, and the waters muddy.

At its *embouchure* in the Gulf of Mexico, which it

enters over a shallow, shifting bar, with an average of from three to five feet water, the width of the Rio Grande is about 300 yards. From above the bar to Loredo, a town two hundred miles from the coast, it has a smooth, deep current; above Loredo it is broken by rapids. The following remarks respecting this river and its immediate locality are taken from a MS. Report, drawn up by Mr. Egerton (an Englishman), surveyor to the Texas and Rio Grande Land Company, for the use of the Directors.

"There are many fine situations on the Rio Grande for the location of commercial towns, whilst fine farms may cover its banks. For stock-raising, the country throughout, from the Rio Grande to the Medina, it is universally allowed, cannot be surpassed. Lower down the river, towards the town of Loredo, in the whole of its course through the state of Tamaulipas, where the country leaves the neighbourhood of the mountains, and is a dead flat for a great extent, very severe droughts are generally experienced, but this evil diminishes rapidly above the point mentioned.

"The streams emptying into the Rio Grande, such as Las Moras, Piedras Pintas, el Sequete, &c., have all, near their junction, excellent falls and sites for mills, with plenty of materials for their construction at hand, while windmills are most peculiarly adapted to the whole section of the country, where a calm is almost a phenomenon.

"The delightful breezes which continually blow here render the temperature extremely pleasant, even when the thermometer stands high. The nights are never sultry, arising, no doubt, from the constant current of

air, and from the days in summer not being so long as in more northern latitudes, where the earth and air become greatly heated by the long presence of the sun, and the short nights not permitting them to cool before the sun again appears. * * * *

"The course of the Rio Grande from the Dolores Ferry to a short distance below the town of Loredo, is in various places more or less impeded at low water by rocks, which in some parts are seen rising in points above the surface of the waters; these projections always leave a deep channel against one or the other shore. In other places, smooth ledges of rock cause rapids rather than falls; but these, with two exceptions, have also good channels. At about two leagues below the Presidio del Rio Grande, one of the ledges traverses the river, in an oblique direction, from one bank to the other, causing a slight fall at low stages of the water, and there having on its edge probably not more than from ten to twelve inches. Immediately below this, the river, for about half a league, is turned into a variety of channels by a vast number of islands, from whence this place is called 'Las Islitas.' The impression formed, on the first and partial view of the river, is extremely discouraging as to the practicability of its navigation. I, however, know that two moderate-sized flat boats had actually passed, at low water, from above the ledge I have spoken of, amongst 'Las Islitas,' and so on to Matamoros.

"Having obtained a guide who had been acquainted with all the localities for upwards of twenty years, I spent a whole day in the water, in a laborious but interesting examination, and had the satisfaction to see the seemingly great and numerous obstacles gradually di-

minish, until they resolved themselves into one comparatively trifling,—the only difficulty being to pass the great ledge. And for this, nature appears to have provided; for, immediately where the ledge leaves the western bank, the shore runs out into a point, which might be cut through at an expense insignificant when compared with the advantages resulting from the opening of a free communication, *at all times*, between an extensive tract of country possessing *immense* capabilities and the port of Matamoros, which would thus, in the course of no very considerable period, become the New Orleans, and the Rio Grande, the Mississippi, of this part of the world. There is nothing wanting but population and free intercourse with the coast, to develop the resources of this district, which are not surpassed probably by any other section of the globe.

"Having passed the great ledge, deep water is at once found; a channel of which leads by a tortuous route, through 'Las Islitas,' completely avoiding the numerous minor ledges, which to a casual observer appear impassable. The current through the channel is naturally stronger than in the unobstructed parts of the river, but not so impetuous as to be considered an obstacle. A short distance below Loredo is another great ledge, traversing the river in a similar way, from bank to bank. The upper edge of this is, however, much further below the surface of the water than that of 'Las Islitas,' and might be passed in like manner, should there not be sufficient water on it for boats of light draught, as I conceive, except on very rare occasions, there almost always would be. In all probability, these ledges do not terminate at the banks, but the opening a channel

through them *in-shore* would, of course, be less troublesome than on the river: although, even there, I imagine it might be accomplished with ease, as it lies in strata sloping down to the bed of the river and leaving but a narrow edge with shoal water.

"Having reached thus far, the Gulf of Mexico may be gained without further impediment or difficulty, beyond a necessary knowledge of the river, as in the Mississippi. All I have said has reference to those periods when the river is at a *low stage*. When this is not the case, and the stream is even at a *moderate height*, I believe there is *no* obstacle to its navigation. It would, perhaps, be advisable, at one or two places, to widen the channel which runs between the bank and the pointed rocks I have mentioned; which might be easily effected as the rocks are but *single rows*, as it were, the ends of which I believe there would be little difficulty in removing.

"The most practicable method for navigating the Rio Grande would, I think, be by steam-boats carrying simply their machinery and fuel, and towing flat-keel boats. A commencement, at least, ought to be made in this way, and boats of a different description might afterwards be introduced, as experience dictated. It would be a great assistance, in ascending the river, if these boats were furnished with masts and upper sails, or what are called 'flying topsails,' as the prevailing wind, all through the country, is from the south-east, and the average course of the river throughout is nearly north-west and south-east. Lower sails would be less useful, as the banks are in many places high, and in others covered with trees.

"Above the Dolores Ferry, I am disposed to believe that the river is perfectly open into Chihuahua and New Mexico. I do not, however, speak from personal observation, as I do respecting the lower part of the river, but am guided by the information received from numerous sources, quite unconnected with each other, and invariably agreeing. A few years since, a steam-boat ascended the river to the lower great ledge, but the water being rather low, the captain was reluctant to pass it, although there was sufficient depth, fearful lest he should be left on the upper side, in case the river fell. This steam-boat was of an ordinary construction, as was another which had previously ascended above Camargo.

"The most important object is, after all, the navigation *downward*, as the means of conveying the surplus produce to market; and this is not problematical, for it *has already been done*. No place can offer a finer market than Matamoros, to which the produce would float down in flat boats, which on their arrival there, could be sold for more than their cost, while pine timber being worth more than ninety dollars the thousand feet, cypress, of which our boats are constructed, would, no doubt, bring a still higher price. Flour is worth, at the present moment, from forty-five to fifty dollars the barrel. Indian corn is frequently sold at six dollars the fanega, or sack, of three bushels; butter and cheese, if not even of the best kind, fetch a high price, as none is made by the Mexicans. Poultry and eggs would sell well, and are produced in great abundance, with scarcely any trouble or expense; live stock, also, of every description, and garden produce would find a ready mar-

ket. Cotton, wool, and sugar might, perhaps, be more advantageously disposed of at the interior towns, although there is no reason why manufactories of the two first should not be established in the locality. An extensive trade might be opened with the Indians for peltries, such as buffalo robes and beaver skins, which would sell well at Matamoros.

"An extensive trade is carried on with the State of Chihuahua, by a very circuitous route, from Matamoros, by way of Monterey and Saltillo; whereas Dolores lies in a direct line between Aransas Bay and the city of Chihuahua, and much more so from Matamoros than the town of Saltillo does. The natural consequence, therefore, will be, that this trade will turn through Dolores, by the new and direct road, which is now opening from it to the bay, as from Dolores it can be continued on to Chihuahua. The entire route, in addition to its being far shorter, would also be through a country easy to be traversed, instead of one very difficult, as is the present route of the traders. When the navigation of the Rio Grande is open, the route will be still easier, and even less expensive, as goods can be conveyed from Matamoros to a depot somewhere on the river near Dolores, from whence they could be forwarded to Chihuahua."

General Pike of the United States army visited Santa Fé, and the banks of the Rio Grande, on an exploring expedition, in the beginning of the year 1807. In his published narrative it is stated, that a little below the village of Albuquerque, the Rio Grande was 400 yards wide, but not more than three feet deep.

The streams of Texas afford great facilities for the

working of mills and manufacturing machinery by water power; besides supplying the wants of the farmer and grazier.

Fresh Water Lakes and Ponds.

Pools of fresh water are found East of Galveston, and between the Trinity and the Brazos rivers; and lakes, west of the latter. The principal lake of Texas lying east of Caney Creek, in the midst of a prairie, is about ten miles long, and from one to three in width.

Owing to the dry and pourous character of the soil, many of the rivulets of Texas cease to run during the summer. In the sand-bed branches fed by small springs, the water not unfrequently retires by day and returns at night, to the great surprise of the traveller, on stirring from his encampment at early morn. An ample supply of good and cool water fit for all domestic uses may be procured in every section of the country, by digging wells of a moderate depth. Rain-water, easily collected in tanks and cisterns, is frequently used on the eastern coast, and is, when cooled with ice, agreeable to the taste, in warm weather; but this mode of keeping the essential element is objected to as tending, in the low lands, to the production of annoying insects.

Heavy rains, and the sudden descent of torrents from the high lands, sometimes occasion unexpected overflows on the sloping grounds adjacent to the water-courses. They are, however, of too limited an extent and brief duration, to be seriously injurious to property or health. The rise of even the minor streams, in the rainy season, is sufficient to enable the settlers to convey

their surplus produce by boats, or small craft, to the coast. Free, on the one hand, from the overwhelming inundations of the Mississippi and its vast tributaries, and on the other, from the scanty or partial distribution of water, which occasions total barrenness in some extensive sections of Mexico, and in others the extremes of sterility and fruitfulness, Texas derives from the earth and the clouds as large a share of aqueous nutriment as any portion of the temperate zone. It is the rare felicity of this favoured land to combine within itself the advantages both of a northern and a southern climate, evinced in its serene skies, its branching streams, its fertilising rains, and its diversified products.

From the southern boundary of Texas, onwards to the Equator, the tendency of the regular division of wet and dry seasons increases, until they form the great climatic distinctions.

In Central Mexico, the distribution of the year into four periods is unrecognized and unknown—the only divisions being the rainy (*Estacion de las Aguas*) and the dry (*el Estio*) seasons. The first, which continues between four and five months, commences about May; —the second includes the remainder of the year. In the southern parts of Upper California the seasons partake, in a moderate degree, of the same character; whereas, in the northern districts, the rains are more equally diffused. Contrary to the order of the seasons in Central Mexico, the rains of the southern region of Upper California have their periodical commencement about November, and continue until April. Springs and rivers do not abound in this fine country, but water can

generally be obtained by digging wells. As a maritime station, California surpasses every other section of the western coast of America.

The rivers which have their sources west of the Rocky Mountains, have a wild, broken and turbulent character, singularly contrasted with the regular and uninterrupted flow of the rivers on the eastern side. The latter, though sometimes boisterous, are generally free from obstructions and easily navigated: but the rivers of the west descend steeply and impetuously, and are continually breaking into rapids and cascades. In August, 1833, Captain Wyeth, an American trader, voyaged in a boat made of three buffalo skins, stretched on a light frame, stitched together, and the seams payed with elk-tallow and ashes, from the rapids of the Bighorn to Cantonment Leavenworth, the frontier post of the United States on the Missouri River.

CHAPTER III.

Climate of Texas—Its Variety and general Salubrity—Cause of its superiority to the Climate of Louisiana—Prevalent Winds—Average Heat of Summer and genial influence of the prevailing Breeze—Drought and unequal distribution of Rain in Summer—Northers—Mildness of the Winters in Texas Proper—Cold of New Mexico—Prospects of Medical Men—Precautions for the Preservation of Health—Absence of Pulmonary Complaints—Singular Salubrity of North-western Texas—Dryness of the Atmosphere—Anecdote of a Comanche Indian—Climate of the Rio Grande Country—Freedom of Texas from Yellow Fever—Epidemic at Galveston and Houston—Salutary Effects of Cultivation—Descendants of poor Emigrants in the United States—Kentucky and Texas compared by a Kentuckian—Climate of the Country west of the Rocky Mountains.

The climate of Texas, the most southerly part of which lies within two degrees and a half of the tropic, is as varied as the productive qualities of the soil, and is, perhaps, on the whole, superior to that of any other portion of North America. In Texas Proper, it is neither so cold in winter, nor so hot in summer, as in the north-eastern section of the United States.

On the coast, especially near the large river bottoms, which are occasionally overflowed, the climate is similar to the neighbouring state of Louisiana, but with an ample abatement of its injurious influences. The forests are free from the rank undergrowth of the woody districts of Lower Louisiana, as the level region generally is from those putrid swamps, the exhalations from which, under the rays of a burning sun, poison the atmosphere, and produce sickness and death. In Texas, from river to river, the country is an open, mild acclivity; in Loui-

siana and Mississippi, from river to river, it is a compactly wooded level, retaining the waters of the annual inundations, which, acted upon by a dense vegetation and a powerful solar heat, generate noxious miasma, the certain cause of malignant fevers. In the low, alluvial parts of Texas, intermittent fevers frequently prevail; but to these visitations all new countries are subject, particularly where, by the clearing of the timbered land, the rays of the sun first break upon the vegetable deposit of ages. Intermittent fever, or "fever and ague," as it is vulgarly termed, is the general penalty attached to settlements in the "bush," from the St. Lawrence to the Sabine. But this disease, though it enfeebles by oft-recurring attacks, is not directly fatal, and, with the progress of population and improvement, it gradually diminishes, and ultimately disappears.

The winds, during December, January, February, and March, are generally from E.N.E. and N. and N.W.; for the remainder of the year, from the west and south-west. An occasional "norther," of two or three days' continuance, will occur during the summer months, and this, which is more sensibly felt upon the land than upon the sea in the immediate vicinity of the coast, is generally accompanied by heavy rain and thunder, and sometimes by a peppering hail-storm. The prevailing summer wind from the south-west is both healthy and agreeable, and tempers the warmth of July and August with its grateful and constant play. While the mid-summer air of the alluvial region of the Mississippi is surcharged with noxious moisture, the clear atmosphere of Texas is quickened and renovated by invigorating breezes from the blue expanse of ocean which,

passing over the dry, rolling and verdant surface of the interior, enliven the spirits, and induce a love of existence, even for the passive physical enjoyment it affords.

But for these refreshing breezes, which, during six months, blow almost without intermission, the summer heat of the low lands would certainly be oppressive and pernicious. By thermometer calculations, made throughout the season, from April to September, for a period of three years, and in different sections of the country, the mercury has been found to range from 63° to 100°: average heat, nine o'clock in the morning, 73°; twelve o'clock, noon, 83°; three o'clock, afternoon, 77°. But the graduation of the thermometer can convey no accurate idea of the climate of Texas to those who have never experienced its effects. From the same degree of heat which in New Orleans was overpowering and relaxing, I suffered comparatively little inconvenience, even in Houston, a town situated in a low-lying and rather insalubrious prairie. So steady, bracing, and cooling was the breeze, that it not only mitigated the heat, but enabled me to take pedestrian exercise with safety in the open prairie at mid-day in the fervid month of June; and so potent was this affectionate and welcome wind, that I was obliged, when writing, to close the southern window of my apartment, to prevent my books and papers from being whirled off the table where they lay. At such times it would have been no easy task to have carried an expanded umbrella across the prairie. From the 1st of April to the close of September, these benignant breezes commence soon after sunrise, and continue until three or four o'clock in the afternoon, when they gradually die away, and as

they decline, the elasticity of the spirits sustains a corresponding depression. After sunset, a light breeze again springs up, the atmosphere grows cooler until midnight, and increases in coolness until early morn, when the covering of an English bed at the same season is by no means unacceptable to the wooer of repose.

The sweet south-western breeze, which is so accessory to health and comfort on the level region of the coast, may almost be termed an unmingled luxury among the cool springs, translucent streams, wooded "bottoms," "islands" of timber, and flower-spangled prairies of the rolling country. The greater proportion of this beautiful region, which has obtained for Texas the name of the "Italy of America," is blessed with a temperature delightful to the sense, and favourable to life, and to most of the products which render life agreeable. Here, the mildness of the seasons enables the planter to "pick" all the cotton he can raise, to grow as much corn as he requires, and to accumulate stock of every description, almost without labour or expense. The drought that pervades the season from the close of April to September is often mollified by copious and refreshing showers, which sometimes distribute their favours very unequally. The unequal distribution of rain is indeed considered by husbandmen the chief defect in the climate of Texas. One section of the country is frequently saturated by teeming showers, while, at the distance of only a few miles, the ground is gaping for moisture. At such a time, by keeping to the open prairie, remote from the water-courses, whose circumjacent woods attract the clouds drifted by the wind from the gulf, the traveller may pursue his course, and see

the rain at intervals descending around him, and leaving himself untouched. Not so, however, at other periods of the year. Then, wet weather is general, and in the early spring predominates, especially on the coast, where it breaks up the roads, swells the streams, and sometimes injures the stock, and retards the preparations of the agriculturist. From March to October, comparatively little rain falls, and the constant action of the sun upon a dry, open elevated surface, causes a regular influx of air from the sea.

"On the eastern coast of New Spain," says Humboldt, "the great heats are occasionally interrupted by strata of cold air brought by the winds from Hudson's Bay, towards the parallels of Havannah and Vera Cruz. These impetuous winds blow from October to March, and they frequently cool the air to such an extent, that at Havannah, the thermometer descends to 32° of Fahrenheit, and at Vera Cruz, to 60°, a prodigious fall for countries in the torrid zone." In Texas, the strong "northers" set in about the month of November, and in December and January the cold north winds sweep down the plains with nearly as much regularity as the south-west wind in summer. In these ungenial months, the southerly winds sometimes interpose their kindly agencies, but only for a short time, being soon followed by rain, the sure precursor of a "norther." Early and late in the winter season, the "northers" usually blow from the north-east; in mid-winter, from the north-west. The effect of these winds, in changing the depth of the tide-water of the bays, is singular, and applies to the whole line of coast.

The author of "The Emigrant's Guide to Texas"

mentions that, in travelling on the Brazos on the 3d of January, 1840, he was struck "with the perfect freshness and greenness of the grass, which wore more the appearance of a flowering spring than the rigors of mid-winter. In the woodlands, the birds were singing with all the vivacity and sweetness of spring, the weather was as mild as a northern May, or June, and woodpeckers, of which there were many varieties, were heard in every direction."—On the 5th of January, the same writer observes in his Journal, "The sun rose this morning with a light and warmth resembling some of the finest weather in May, in the city of New York. We breakfasted with our kind and hospitable host with the doors wide open. The air was balmy and soft, and no disposition was felt to approach a fire more than in mid-summer. As if to complete the image of spring, a blue bird was heard just by carolling its sweet song." In February and March, the fall of rain diminishes, and the high southerly winds are of longer duration. At this season, owing to the variation of the winds, the weather is extremely capricious, at one time as balmy as a mild mid-summer, and suddenly again as chill as extreme winter. Notwithstanding the severity of the "northers," the winters are generally as moderate as the month of November in the northern states of the American Union. Ice is seldom seen, except in the districts towards the north, and snow is a rare and transient visitor. Warmer clothing and less airy apartments than those of summer are certainly required, but the trees preserve their foliage and the plains their verdure. Estimated by its effects on a bountiful soil, the climate of Texas may fairly claim to be entitled a perpetual

summer, admitting, as it does of two or three crops a year of fruits and vegetables, in great abundance and perfection. Two gardens are common—one for spring and summer, and one for autumn and winter; and peaches, figs, and other tropical fruits are plentiful even to the middle of October. These remarks apply to all Texas Proper, but not to the district bordering on the territory of New Mexico, where the winters begin to be of northern severity. New Mexico itself, although under the same latitude as Syria and the Morea, has a rigorous winter, and frost is not unfrequent, even in the middle of May. Near Santa Fé, and a little farther south, under the parallel of the Morea, the Rio Grande is sometimes covered, for a succession of years, with ice thick enough to admit the passage of horses and carriages. Pike mentions that he found snow a foot deep on the eastern bank of the Rio Grande, near Albuquerque, in latitude 35° 30′, as late as the 6th of March.

The "northers," which are peculiar to Texas, and the eastern coast of Mexico, generally follow a few days of rain and southerly winds. They burst forth suddenly, with a gust of wind which almost checks respiration, and seems to dry up all moisture of the skin; severe cold immediately succeeds, and the thermometer frequently falls ten or twelve degrees within half an hour. Their average duration is three days; the clouds generally disappear a few hours after their commencement, leaving a clear, cold sky. Coming from a point west by north, they depress the mercury in the thermometer lower than easterly winds, but they are regarded as less prejudicial to health. During the summer months, "northers" are of rare occurrence, and their rude visits

are not an unmixed evil, as they tend much to purify the air. The shelter of the groves and woods affords sufficient protection to cattle from their assaults.

The vernal season in Texas Proper begins to shed its cheering influences about the end of February; then the weather, though variable, is often delightful, and the Texans boast that March in the young republic equals in amenity "the glad green month of May" in New York and the adjacent states. To persons of northern habits, April and October are the most pleasant and attractive periods of the year, both with respect to climate and scenery. The stranger who journeys along the low lands of the Brazos, during the drenching days of the short winter of Texas, when the natural roads over the rich alluvial soil are broken into sloughs, and the creeks swollen into unfordable torrents, will probably anathematise the country and its eulogists, and perhaps, as some have done, abandon it altogether in disgust. But were the same person to arrive in spring or autumn, and mounting a good horse, ascend from the coast to the interior, where the path winds along limpid brooks and gentle vales, through a wilderness of flowers, varied by clustering evergreens and fairy groves, his heart could hardly fail to dilate with emotions of grateful joyousness and to ejaculate, in the silent temple of Nature, "Methinks it is good to be here!"

To the swarms of medical practitioners that yearly issue from the universities and colleges of Europe, Texas offers little encouragement as a field of professional speculation. There is no malady that can be properly called endemic, and the febrile diseases which usually afflict early settlers, especially in southern latitudes, are

of a mild type, completely within the control of medicine, and generally to be avoided by the observance of a few simple rules of living. Emigrants accustomed to northern habits should, at least until they are thoroughly "acclimated," shun undue exposure to the noonday sun, exercise caution in the use of fruit and salted food, abstain from ardent spirits, and refrain, as much as possible, from drinking, save at meals. To persons new to the climate, occasional cathartics, followed by the use of bark, are beneficial. Very frequently, the injurious effects attributed to climate are caused by intemperance, or the neglect of some of those precautions of which the climate of every latitude demands its peculiar share. If any part of Texas can be termed sickly, it is the narrow strip of country running parallel to the gulf, where in the low, timbered bottoms, the rivers deposit the accumulations of their annual overflows. In this section, to which Providence has granted exuberant fertility, in compensation of its comparative insalubrity, settlers are liable to be attacked by bilious and intermittent fevers; but after receding some distance from the coast, no part of the globe is more friendly to the regular action of the human frame. The towns immediately on the coast, within the direct range of the trade winds, are healthy, although rather trying to temporary sojourners from cold climes, during the months of June, July and August. Pulmonary consumption, so destructive in England and the northern states of the American Union, is almost unknown in Texas. Rheumatisms and chronic diseases are not prevalent, and nine-tenths of the Republic are considered healthier than the most healthy parts of the United States. In the opinion of respectable

medical men, a residence in this country would be as favourable to persons of a consumptive tendency as the South of Europe, or Madeira. As a general fact, it may be stated that the farther from the lands bordering on the coast, the more salubrious is the locality, and persons who arrive in summer will be quite safe by retiring fifty or sixty miles inland. Western Texas is best adapted to a northern constitution; and above the falls of the Brazos, or in the region lying about seventy miles above the mouths of the rivers westward of the Brazos, natives of Great Britain may settle with at least as fair a prospect of longevity as they had at home. The district comprehended in the Mexican "department" of Bexar is of remarkable salubrity. It rarely freezes in winter, and in summer, the heat by the thermometer seldom exceeds 85°. The water is delicious, the sky rarely clouded, and the breezes as exhilarating as Champagne, and far more invigorating. Many Mexicans, residing in the vicinity of San Antonio, have attained the patriarchal term of one hundred years, in the full possession of health. When the commissioners, appointed to select the seat of the government of the Republic, visited Bastrop on the Colorado, they were, in proof of its salubrity, shown the grave-yard of the town, which had no more than eleven tenants, although the place had been settled above seven years, and comprised a population of several hundred souls. I have heard planters jocularly remark, in reference to the qualities of the atmosphere in North-western Texas, that it was possible for men to *petrify* there, but not to *putrefy*. To those who are familiar with the region alluded to, this hardly seems an exaggeration. Bonnell, in his

Topography of Texas, after describing a petrified forest at the sources of the Pasigono, mentions "a set of petrified waggon wheels on the upper Presidio road, between the Rio Frio and the Nueces. They are on a high hill, and the country could not have been covered with water since they were left there. These wheels," he adds, "were seen by Captain Lewis of the first regiment of regular infantry, and several other Americans." Fresh meat intended for use in short expeditions, has been cured merely by exposure to the dry searching atmosphere, similar to the practice which prevails under the climate of Buenos Ayres. The Honourable D. G. Burnett, Vice-President of Texas, has recorded the following illustration of the salubrity of the north-western Section of the Republic.

"A Comanche Indian, whose blanched locks and furrowed cheeks betokened the pelting of at least a hundred winter storms, and who, from the best intelligence I could obtain from himself and others, was not less than a century old, was thrown from his horse, while chasing a herd of buffalos over rough and stony ground, and had his leg broken between the knee and the ankle joints, and was otherwise considerably bruised. I saw him not long after the accident happened; the broken joint was neatly splintered and stayed; and in one month from the day of his fall he was on horseback again."

It may be assumed, however, that the active and unvitiated habits of the Indian hunter, as well as a propitious climate, contributed materially both to his longevity and his cure.

The southern district lying between the Medina and the Rio Grande is not less favourable to health than

Texas Proper, as appears from the following extract from the Report of Mr. Egerton to the Directors of the Rio Grande Land Company.

"The healthiness of the climate, I conceive, does not admit of a doubt. I speak both from information derived from others, and from personal experience, which has been considerable. I have been exposed to every vicissitude of weather known here. I have ridden from morning till night, in the summer season, when the thermometer in the shade would have stood at between 90° to 100°, and, at night, lay down in the open prairie, whilst a strong dew, or perhaps a heavy rain, was falling the greater part of the night, soaking nearly every thread of my bed and bedding. The next night I had probably lain down with these but partially dry; in this way I have been for days together, wearing wet or damp things without the possibility of avoiding it. I have been equally exposed to perhaps the severest cold ever experienced here—of course, all this has been attended with great personal inconvenience, but never had the slightest ill effect on my health; and this, indeed, is universally the case.

"The length of the day, of course, varies but little throughout the year, and the cold is never such as to render fires absolutely *necessary*, although, frequently such, in the winter, as to render them very *desirable*, and, for *comfort*, necessary. Wood fuel, of the first kind, is everywhere found, as well as bituminous coal near the Rio Grande."

"In no part of Texas," observes Almonte, in his *Noticia Estadistica Sobre Tejas*, "is *vomito prieto*, or yellow fever known." Until the autumn of 1839, there was no

instance on record of the pest of Vera Cruz and New Orleans having visited Texas. About the latter part of September, in that year, an epidemic appeared in the towns of Galveston and Houston, which Dr. Ashbel Smith, an eminent medical practitioner, who treated a number of cases, pronounced to be yellow fever. In Galveston the disease was confined exclusively to the Strand, a street contiguous to a low, muddy, and undrained part of the beach, where the filth which business and population engender had, from a deficiency in the police regulations, been permitted to accumulate. It is doubtful whether the fever were imported from New Orleans, or originated in local causes. The constant intercourse between Galveston and New Orleans, and the prevalence of yellow fever at the latter city in the autumn, would lead to the conclusion that the disease was introduced from that quarter: in confirmation of this view, I have been assured that no person died of the disease who had not recently visited New Orleans. On the other hand, its being limited to persons much exposed in the infected district, and the frequent removal of the sick from that district to the healthy parts of the city, without producing any extension of the disease in those places, would justify the opinion that it was not contagious, but wholly of local origin. For general healthfulness, Galveston island, including the city, is probably unsurpassed by any place in the world. Exempt from the typhus fevers of cold climates, and the malignant endemics of the miasmatic regions of the south, the few diseases that occur there are, for the most part, of a moderately inflammatory character, and readily yield to the simplest treatment.

Dr. Smith remarks, in a publication on the subject, that yellow fever requires generally for its development proximity to water and an ardent sun, with, it may be added, a population more or less dense. At the time of its manifestation at Galveston strong easterly winds prevailed, with cloudy weather. "Ten or twelve days after the appearance of the epidemic, it was checked by a fall of the mercury to 67½°, and there was no new case for nearly three days. The disease was at that time confined within very narrow limits. As the temperature became again elevated, new cases appeared, and the limits of the infected district were gradually much extended and extending, when a fall of the mercury to 45° occurred. But the epidemic influences were now become so inveterate as not to be wholly destroyed by this low temperature, until a "norther" setting in on November 20, depressed the mercury to 40° which it is believed wholly arrested the disease. Had the appropriate sanatory measures been taken at the time the disease was suspended by a fall of the mercury to 67½°, it is reasonable to suppose that it might have been permanently arrested."

Every succeeding year, by extending cultivation and the clearing of the woods in the lower region, with improvements in drainage and the police of towns, will diminish the few existing sources of sickness. At present, Europeans need not be deterred by apprehensions on the score of health, from removing to a country whose powers of production all but anticipate the necessities of man. Clothing adapted to the summer and winter of England is suitable for the warm and wintry seasons of the young republic. Lightly burthened to raise

an abundance of all things requisite for comfortable subsistence, the human frame—stunted in its growth and swerved from its fair proportions by the inferior and insufficient food and incessant drudgery, which enfeeble and wear down the physical energies of the depressed and hopeless labourers of Britain, and the states of the old world—will, on the kindly soil and under the fostering temperature of Texas, expand its dimensions, and assume the mould of strength and the symmetry of beauty. In travelling through the United States, I was continually struck by the changes which, in the course of a generation or two, had been effected in the various European races by transplantation to a land where labour is respected, and comparatively independent. In Baltimore, especially, where there has been a considerable immigration of poor Catholic Irish, I was frequently amused by a specimen of the Hiberno-American—the offspring of some laborious exile of Erin—in the state of transition, and wavering, as it were, between his insular descent and his continental nativity. The broad low comedy features and hard scrubby undergrowth of the original ill-fed and hard-worked importation had become grave, elongated, and erect; and, in another generation, the Celtic physiognomy and hard compressed corporeal outline, bade fair to be obliterated in the comparatively austere aspect and tall spare build of the undoubted American. In walking with a republican friend on the quays of New York, I noticed a heap of uncouth and squalid Dutch and Bavarians just deposited from an emigrant ship, and remarked the contrast which their dirty and squab appearance exhibited to the native population. "Such as they are," said my

companion, "we shall see their progeny tapering up among us like lilies" And so it is:—moderate labour, abundant food, useful instruction, and the absence of servile forms, are speedily indicated by the thoughtful look, erect gait, and developed form.

Perhaps in no part of the civilised world is there a race of men more generally large and robust than in the south-western states of the Union, and certainly none more enterprising and energetic.

The gay and fearless spirit of roving enterprise, which animates the athletic Kentuckian is proverbial, yet the soil and climate of his parent State, which nourish the vigour that inspires him with adventurous daring, must yield the palm of excellence to the plains and skies of Texas. On this point I may adduce the testimony of Mr. R. H. Chinn, a Kentucky gentleman of the legal profession, in a published letter addressed to General Combs of Lexington, dated November 15, 1838.

"I have seen almost every acre of the State of Kentucky, and I do believe that Texas has greatly the advantage. The greater part of Texas is, by nature, at once prepared for the plough of the husbandman. About one-third of Kentucky is fertile, and capable of successful settlement and cultivation; nine-tenths of all explored Texas are of that character. And the soil and the climate of Texas can produce advantageously everything which Kentucky can, and many things requisite for the wants of man which Kentucky cannot. * * * * * The laborious, expensive, and protracted work of clearing a plantation is necessary in but a few places"—the greater proportion of the country being prairie.

The country west of the Rocky Mountains, which

intervenes between Texas and the Pacific, is remarkable for mildness and equability of climate. The rigorous winters and sultry summers, and the capricious inequalities of temperature prevalent on the Atlantic side of the great chain, are but little felt on their western declivities. These, in their descent towards the Southern Ocean, are blest with the temperature of parallel latitudes in Europe. The winters are wet rather than cold. During the rainy season, which continues from about the middle of October to the middle of March, the prevailing winds are from the south and south-east —the usual harbingers of wet weather. Those from the north to the south-west are the forerunners of clear skies and fair weather. The remainder of the year, from the middle of March to the middle of October, is serene and delightful. Throughout this time there is scarcely any rain; nightly dews and morning fogs, not considered prejudicial to health, preserve the face of the country in freshness and verdure.

CHAPTER IV.

Caution to Emigrants—Authorities favourable to Texas—Natural Productions: Cotton—Sugar-cane—Maize—Vines—Tobacco—Indigo—Cochineal—The Mulberry tree—Potatoes, Sweet and Common—Wheat—Barley—Rice—Vanilla—Fruits and Vegetables—Nuts—Honey—Bees'-wax—Forest Trees and Shrubs—The Cross Timber—Cane-brakes—Plants and Flowers—The Prairies.

NEW and distant settlements, where the amount of capital and labour bears but a small proportion to the extent of unoccupied land, are seldom without their interested eulogists, skilful in softening defects or throwing them into the back ground, and painting whatever attractions they may possess in the colours of the rose. On this account, persons who meditate the important act of removal to a new and distant settlement, ought not merely to peruse the various publications intended for the information of emigrants, but endeavour to ascertain the object of their authors in submitting them to the world, and test their pretensions to accuracy, by comparing and weighing the representations of different authorities. In describing the natural resources of Texas, I have, by adducing the testimony of others, adopted a course which will enable my readers to appreciate the trustworthiness of my views and assertions. Indeed, I should be reluctant to convey the ideas I entertain of the beauty and fertility of Texas to my countrymen, unless I were in a condition to confront incredulity with a body of precedent and unimpeachable evidence. And strong as I am in concurrent authority, I shall not seek, in de-

tailing facts, to increase their effect by straining after any embellishments of language.

Humboldt, whose valuable testimony can hardly be cited too often, thus recapitulates his observations on the general aspect of the Northern Provinces of Mexico:—"We have described the deserts without water which separate New Biscay (Durango) from New Mexico. All the table-land which extends from Sombrerete to the Saltillo, and from thence to La Punta de Lampazos, is a naked and arid plain on which cactus and other prickly plants only vegetate. The sole vestige of cultivation is in some points where, as around the town of Saltillo, industry has procured a little water for irrigating the fields. We have traced a view of Old California, of which the soil is a rock, destitute of wood and water.* All these considerations tend to prove that, on account of its extreme dryness, a considerable part of New Spain, north of the Tropic, is not susceptible of a great population. But this aridity, we repeat, is not general, and it is compensated for by the *extreme fertility* observable in the southern coun-

* The peninsula of Old or Lower California, though it is traversed by stern and barren mountains, and has many sandy plains, is not wholly devoid of fertility. "Wherever there is water," says Bonneville, "the ardent nature of the climate quickens everything into astonishing fertility. There are valleys luxuriant with the rich and beautiful productions of the tropics. There the sugar-cane and indigo-plant attain a perfection unequalled in any other part of North America. There flourish the olive, the fig, the date, the orange, the citron, the pomegranate, and other fruits belonging to the voluptuous climates of the south; with grapes in abundance that yield a generous wine. In the interior are salt plains: silver mines and scanty veins of gold are said likewise to exist; and pearls of a beautiful water are to be fished upon the coast."

tries—even in that part of the *Provincias Internas* in the neighborhood of rivers—in the basins of the Rio Grande, the Gila (of Upper or New California), the Huaqui, the Majo, the Culiacan, the Rio del Rosario, the Conchas, the Santander, the Tigre, and *the numerous torrents of the Province of Texas.*"

Mr. Clay, the distinguished American orator and statesman, in a debate in the United States Congress, in 1820, on the question of the acquisition of Florida from Spain, thus alluded to Texas, to the sovereignty of which he and others contended the United States had a just claim, on the ground of the province having formed a part of Louisiana:—

"All accounts concur in representing Texas to be extremely valuable. Its superficial extent is three or four times greater than that of Florida. The climate is delicious, the soil fertile, the margins of the rivers abounding in live oak, and the country admitting of easy settlement. I am not disposed to disparage Florida, but its intrinsic value is incomparably less than that of Texas."

General Pike, of the United States army, says of Texas, in the published narrative of his travels:—"It has one of the most delightful temperatures in the world. Take it generally, it is one of the richest, most prolific, and best watered countries in North America."

Colonel Langworthy, who visited Texas, from Vermont in the United States, in an account of his journey, supports all that had been previously alleged in favour of Texas. He had travelled over "nearly all the Northern States, and Ohio, Kentucky, Indiana, Illinois, Missouri, Louisiana, &c., which were certainly, in rela-

tion to soil, climate and productions, entitled to the favourable opinion which has often been expressed with regard to them," but, he unhesitatingly adds—"in goodness of soil, in the extent and variety of her productions, in amenity of climate, in local and commercial advantages, in short, in everything which conduces to the comfort of man, Texas has a decided preference to any new country I have ever seen."

In the able and instructive work on Mexico, published by Mr. H. G. Ward, formerly British *Chargé d' Affaires* at Mexico, and now one of the representatives for Sheffield, Texas, is described as "rich in valuable produce, abounding in water, and possessing rivers of sufficient size to ensure to its inhabitants the benefits of internal navigation, which have produced so wonderful an effect, in the course of a few years, in the neighbouring valley of the Mississippi."

General Wavel, an English officer who served in the Mexican army, in a brief but highly favourable account of the country, appended to Mr. Ward's work, observes that, "in the northern part, the climate differs but little from that of the south of Europe, Buenos Ayres and the Cape of Good Hope. To the south, the white settlers from the United States experience no ill effects from the heat of the sun. Few countries possess so large a proportion of rich land, or are so capable of supporting a dense population; few are better supplied with navigable rivers, streams and rivulets. Except along a part of the coast, and on the banks of the Red River, no such inundations take place as to render the adjacent district periodically unhealthy. As in Devonshire, almost every valley has its stream, or brook; and

judging from the small fish which I observed in them, I should conceive the greater number to be perennial."

Colonel Almonte, as commissioner to the Mexican Government, thus reports of Texas in 1834: "The abundance of navigable rivers and excellent harbours gives to this country an immense advantage over the other states of the Mexican Republic, which, unfortunately, do not possess similar facilities for exportation, and whose foreign commerce can only be passive for a series of years to come. On the other hand, the climate is perfectly adapted to the inhabitants of Europe, and emigration is so considerable that in less than ten years its population has been quintupled. Lastly—Texas is the bravest division of our Republic, and God grant that, through our own negligence, so valuable a portion of our country may not be lost to us! The territory of Texas is vast, and adapted to the cultivation of cotton, tobacco, the sugar-cane, Indian corn, rice, wheat, potatoes, beans, olives, grapes, &c. The soil best adapted to the growth of cotton and tobacco is to be found on the sections immediately on the coast, and the margins of rivers; that of the more inland districts is better calculated for wheat, olives, sugar-cane, potatoes, &c. But, generally speaking, the production of any one part of Texas is common to the whole territory, in greater or less abundance."

The peculiar adaptation of the soil and climate of Texas to the growth of cotton is thus noticed in Captain Marryatt's late work, entitled A Diary in America. "In the southern portion of America, there are millions of acres on which cotton can be successfully cultivated, particularly in Texas, the soil of which is so

congenial that they can produce 1000 lbs. to the 400 lbs. raised by the Americans, and the quality of the Texas cotton is said to be equal to the finest Sea-Island. *It is to Texas particularly that we must look for this produce.* * * * * It may be asked, how is it, as Texas is so far south, that a white population can labour there? It is because Texas is a prairie country, and situated at the bottom of the Gulf of Mexico, a sea breeze always blows across the whole country, rendering it cool, and refreshing it notwithstanding the sun's rays. This breeze is apparently a continuation of the trade winds."

These authorities will probably be deemed sufficient for establishing the general fact of the fertility and attractiveness of Texas. All competent judges who have explored the country agree in the opinion that, for apparent depth and richness, and capability of raising most of the commodities necessary for animal subsistence and enjoyment, the soil of Texas is not surpassed by that of any other country in the Western Hemisphere.

Among the productions which may be considered as naturally adapted to the soil, and which will form important articles of commerce, cotton is pre-eminent. There is a great difference in the value of this article to the spinner, according to the length, flexibility, tenacity and thickness of the filament. The Sea-Island Georgian cotton of the United States, commands the highest price in the Liverpool market, and the product of the low alluvial lands of Texas is said to equal this description in length and fineness. The cotton cultivated in the United States is a plant of annual growth, which the early autumnal frosts destroy, rendering it necessary to clear the ground and form a fresh planta-

tion every year. Mrs. Holley states that in the more genial region of Texas, the plant does not require to be renewed more frequently than once in three or four years, to yield a crop superior in quality and quantity to the annual plantings of Louisiana. But, although the cotton plant propagates itself in the *Tierra Caliente*, or warm region, of Mexico, I have no confidence in its power of retaining its vitality, so as to meet the expectations of the planter, for the time Mrs. Holley specifies, exposed to even the light frosts of Texas. It may, however, be asserted that the Texan planters possess decided advantages, in two important particulars, over their competitors of the United States—in the general superiority of the article produced, and the excess in amount of production. The average return on the acre is considerably greater in Texas than the States, and the expense of cultivation considerably less. This is owing not more to the greater richness of the soil, than to the superior mildness of the climate. It operates thus:

The cotton plant shoots out a number of branches, on which grow large and beautiful whitish-yellow blossoms. On the cups of the flower form balls or cocoons, which contain three or four elliptical seeds, about four times as large as a wheat kernel, and of an oily consistence. The cotton is the down that envelopes these oily seeds, from which the wool has to be detached by a circular saw mechanism called a "gin," before it is packed in bales and pressed for exportation. The planting, which takes place at different periods of the spring months, from March to May, is in drill rows, about six feet apart. The crop is carefully thinned, and

ploughs, in the form of scrapers, are used to clear out the weeds. In September, the process of "picking" the cotton commences, and it is renewed several times, in successive stages, according to the ripening of the cocoons, or "forms," as they are locally called. Now, the history of cotton cultivation shows that the picking season, in the United States, does not allow the planter to save what he has raised, in consequence of the early frosts; whereas, the long, warm, and dry autumns, and moderate winters of Texas, secure the cotton-grower from those casualties of the seasons which, in the neighbouring States, have often crippled and paralyzed the planting interest.

Cotton planting commences in February in Texas, and picking begins at an earlier and continues for a longer period than in the United States. It has been noted as a remarkable fact in North Alabama, that a single cotton blossom had been discovered in a field as early as the 4th of July. In the same year, between the 25th and 30th of June, one hundred and nineteen blossoms were counted upon a single stalk of cotton on the Caney in Texas. Superior cotton-growing lands will yield from one and a half to two bales of clean cotton to the acre.

The picking of cotton affords an easy and beneficial employment to females and children. On a plantation at Columbia on the Brazos, twenty young girls and boys picked, on an average, 153 lbs. each per day, during a week. Children from the age of nine or ten, who are unfit for any other occupation, may be employed in the picking season almost as effectually as grown-up persons.

In every district of Texas, from the Sabine to the Rio Grande, and from the Gulf of Mexico to the bottoms of the Red River, cotton grows with extraordinary facility. Its cultivation hitherto has been chiefly on the Brazos and Colorado, Red and Trinity Rivers, and Caney Creek. Practical men have expressed the belief that Sea-Island, or black seed, cotton would produce well two hundred miles inland; but I am strongly inclined to think that the rich level region of the coast is its proper field, and that the green seed cotton will thrive best in the interior.

Texan cotton has been, for some time, shipped direct to Liverpool in British bottoms, and its cultivation is steadily advancing.

The sugar-cane, which grows abundantly in Louisiana, possesses a still more congenial soil and climate in the level region of Texas. As the extent of the crop depends upon the number of joints that ripen before the frost sets in, the greater mildness of the Texan autumn ensures a larger return than in the United States. The light frosts of Texas do not injure the cane, but rather assist the fermentation of sugar from the sap, whereas the hopes of the planter are frequently blasted by the late and early frosts of Louisiana. The cane of Texan growth has, also, an ampler and taller stalk than that of Louisiana, sweetens higher up, and supplies the saccharine matter in larger proportions and in greater purity. It has been found to sweeten seven feet above the ground. I have seen an estimate of the produce of sugar in a small plantation, which, notwithstanding the waste arising from very imperfect machinery, gave about 3,500 lbs. to the acre. The cultivation of the

sugar-cane demands a larger capital than cotton-planting, and the work is more severe on the labourers, requiring, when commenced, to be continued night and day. The coolness of the nights in Texas would materially lessen its prejudicial effects, and consequently diminish the expense of production. The cultivation of the cane is yet in its infancy, the attention of the agriculturists being chiefly devoted to the raising of cotton and Indian corn. It is stated, in Flint's History and Geography of the Valley of the Mississippi, that the superiority in profit of sugar over cotton, as an article of production in Louisiana, has been proved by accurate tables, giving the number of hands, the amount of expenditure, and the average return from each for a consecutive number of years. The Riband and the Creole cane are considered of nearly equal productiveness; but the former requires to be planted every three years, ferments less readily, and has a harder rind than the latter, which continues to grow from the roots for more than ten years. The Brazos river waters a greater extent of sugar land, and of a better quality than the Mississippi, and the Brazos does not drain one-fourth of the sugar lands of Texas. The top of the cane stalk makes excellent fodder for cattle and horses.

Maize, or Indian corn, yields a large and profitable return, with little expenditure or trouble. The average crop, on good land, is from fifty to sixty bushels per acre, but seventy-five bushels have been frequently gathered; and Parker in his 'Trip to the West,' mentions that he found in Eastern Texas, "a man who, with the aid of a boy ten years old, raised and gathered in one year 1500 bushels." Two crops may be gathered an-

nually, the first of which is usually planted in February, the second late in June. In general, the ground is lightly ploughed, and run over with the hoe at different periods, and crops have been obtained on the prairies merely by dibbling holes and dropping in the seed. A crop of wheat, equal in quality to the finest Kentucky, has been cut in May on land in Western Texas, and the same land has yielded a heavy crop of Indian corn in the ensuing October. The corn is generally worth from one dollar and a half to two dollars per bushel, at the farms, and from two to three dollars per bushel in the market. The constant influx of new settlers ensures a ready sale for an article capable of sustaining all the live stock of the farm-yard, as well as forming a wholesome article of subsistence to the farmer and his family.

Capital, and the requisite skill and labour, are all that is necessary to place Texas high among the wine-producing countries. The native grape has a very agreeable flavour, and the vines are sometimes seen festooning and overtopping trees at an elevation of from eighty to one hundred feet. A pleasant wine has been extracted from the indigenous grape, and on sandy ridges unfit for cultivation, vines are abundant. German emigrants, especially from the Rhenish provinces, who usually go to the United States, would obtain a more promising field for their industry in Texas. Almost every variety of grape is found growing spontaneously, particularly about Nacogdoches, in the vicinity of Bastrop, and along the course of the river Guadalupe. In the environs of the Paso del Norte (a post on a ford of the Rio Grande), which, according to

Humboldt, resemble the finest parts of Andalusia, the vine has long been cultivated, and produces a wine held in great estimation. In the opinion of the same sagacious observer, the time will arrive when the mountainous parts of Mexico and Central America, will supply wine to the whole American continent, and will become to it, what France, Italy, Spain and Portugal, have long been to the north of Europe.

In the United States attempts have been made to form vineyards, but the result has disappointed the expectations of the speculators, even when assisted by appropriations of public money, as was a Swiss colony at Vevay in Indiana. The failure of the experiment in Indiana has been attributed to the inclemency of the winter, the removal of the duties on foreign wines, and the high rate of wages, compared with the European scale. The first of these causes of failure would not be felt in Texas. Wherever a sandy prairie rises with a gentle elevation above the neighbouring level, grapevines spread themselves over the surface, like the vines of pumpkins in a field appropriated to their growth. The best grapes are found upon elevated lands of a sandy, or gravelly, character.

The tobacco plant grows luxuriantly and, although a most searching crop, is not capable of exhausting the fertility of the alluvial lands. It thrives only in a light, rich, warm soil, and requires to be planted early in the spring, and gathered late in the autumn.

The indigo plant is indigenous, and only demands careful management to render it a valuable article of export. It has been manufactured for domestic use in

Texas, and is considered superior to the product of the United States.

Another valuable dye, for the production of purple and scarlet colours, may be obtained in tracts which do not admit of pasture or tillage. The nopal (*cactus opuntia* or *cochinilefer*) on which the cochineal insect feeds, grows exuberantly in dry and barren localities, attaining frequently a height of fifteen feet, and forming impenetrable thickets. Its fruit is highly prized in the Mexican markets, and furnishes food for herds of cattle and wild horses. Cochineal forms an important article of Mexican commerce. There are two sorts, the *grana fina*, or fine grain, and the wild, or *grana sylvestris;* the latter being the easier to cultivate, but of inferior quality. Wild cochineal is collected six times, the fine or cultivated, only three times in the year. The insect is small, and is detached from the plant on which it feeds, by the tail of a rabbit, or a blunt knife. The last gathering is the least valued, the cochineal being then smaller and mixed with the shavings of the nopal. When collected, they are killed by immersion in boiling water, after which they are dried and exported in bags. On the manner of drying chiefly depends the quality of the colour to be obtained; that which is dried in the sun is the best. In the year 1831, nearly 100,000 lbs. weight of cochineal were shipped from Mexico to England. Colonel Almonte states, that wild cochineal of good quality, with abundance of nopal, is found in the "Department" of Bexar. This cochineal has usually sold for from four to six rials per pound (about two and three shillings British money) at the posts of Loredo and Rio Grande.

The mulberry tree is of common growth and thrives vigorously in Western Texas, the climate of which is well adapted to the rearing of silk-worms. A successful experiment in the production of silk was made, under the Spanish Government, at San Antonio de Bexar. The cultivation of silk would afford an easy and advantageous occupation to females and children.

Sweet potatoes, which are much prized, are plentiful, the superior prairie lands yielding from four to five hundred bushels to the acre. The common potato of Europe is equally productive, and of good quality. The crops planted in February generally yield a plentiful supply in April and May; those planted during the heats of summer, are small and less productive. This esculent is indigenous in Texas, but the wild tubers are of inferior quality.

The low alluvial lands are not suited to the culture of wheat, which there runs to stalk and fills badly, but it can be raised advantageously in the interior, towards the west. Mexican wheat, a superior grain to that of the United States, has yielded very well on the Upper Colorado.

Barley may be raised on the light mellow soil of the sloping prairies and post oak lands, and the rolling districts will supply oats, rye, and buckwheat, more than sufficient for home consumption. Rice has been cultivated, and doubtless would be an extensive article of export from the humid low lands, if its cultivation on a large scale ensured returns equivalent to those of the great staples of the country. Experiment has proved that the culture of flax and hemp will not disappoint

the expectations of the agriculturist in the undulating and hilly region.

The Epidendrum Vanilla, a species of vine extensively cultivated in Mexico, and producing a fruit valuable in commerce, is adapted to the climate and soil of Texas. The fruit of the Vanilla is exported to Europe from Mexico and Brazil, and is used in confectionary, but chiefly for mixing with and perfuming chocolate. The pod is about eight or ten inches long, of a yellow colour when gathered, and dark brown or black, when exported. It is wrinkled on the outside, and is full of a vast number of black seeds, like grains of sand, having, when prepared, a peculiar and delicious fragrance. Much caution is requisite in curing it, so as to save it from corrupting, or exuding its odorous oil too copiously.

Texas is bountifully supplied with fruits and garden produce, and although the climate of the low lands is rather too warm for the apple, there is scarcely any other fruit of temperate climes that will not, with moderate care, arrive at perfection. Peaches of unrivalled size and flavour, excellent melons, delicious figs, oranges, lemons, apricots, pineapples, quinces, plums, pawpaws, dates, almonds, bananas, plaintains, olives and spices, may be grown in different localities with little cost. Beans, peas, cucumbers, carrots, onions, pumpkins, turnips, lettuce, and other useful vegetables, including a variety peculiar to the country, may be raised abundantly.

The woods produce the best kinds of nuts; those of the pecan are especially delicious, and find a ready market. The preservation of the pecan-tree is the only

thing requisite to ensure the farmer a store both for consumption and exportation. Three or four active children may, without difficulty, gather above a hundred bushels of these nuts in a few weeks of autumn.

Among the countless flowers of the prairie, honey bees delight to range, and swarms of the busy little creatures have their haunts in every district. The best bees-wax and honey may be obtained in large quantities for the trouble of tracing the insects to their homes, and felling the trees, in the hollows of which they lodge their treasure. There are persons who acquire by experience singular skill in coursing the bee, and who follow "bee-hunting" as a profitable vocation. White, or bleached wax, is an article of great consumption in the Mexican churches, where the burning of huge candles forms a part of the religious ceremonial. It commands, consequently, a high price in Mexico, and the annual importation from Havannah has been calculated, from official documents, at 600,000 lbs. It is not uncommon for the bee-hunters to secure the wax and reject the honey, as over-abundant and of comparatively little value. It is alleged by the woodsmen, as a fact in the history of the bees, that they are never found in an utterly wild country, but always move in advance of civilisation. Such is the belief of the Indians, who, on the appearance of these insects, remark—"There come the white men!"

An ample supply of timber can be obtained in Texas for use and ornament, and there is sufficient material for planting hedges calculated to make valuable fences in a very few years. The rail fences of the United States and Canada are expensive and unsightly, and

cause a great waste of wood, which, in a country containing a large extent of prairie, ought to be avoided. The forests and groves of Texas include all descriptions of trees found in the United States, with many peculiar to the soil. Live oak (*quercus semper virens*), so valuable for ship-building, is more abundant than in any other part of the American continent of equal extent. The wood of this oak is almost incorruptible, and its acorns are excellent feeding for swine. A specimen of this majestic tree at Bolivar, measured sixteen feet in circumference, retaining this amplitude more than thirty feet from the ground; some have attained a circumference of twenty-three feet. The strong and durable timber of the live oak must form a most important article of export for the use of the foreign ship builder. Large quantities of it have been used for the frames of ships of war by the naval department of the United States, and precautions are adopted for the preservation of the trees. Of late years, however, it has been found difficult to collect the supplies wanted by the Government, for the construction of new vessels, from the woods of Florida. White, red, black, Spanish, and post oak, are common; the first of these is one of the most useful American trees. There are also ash, cypress, red cedar, cotton tree, china tree, cherry, elm, gum, hackberry, hawthorn, hickory, holly, locust, linden, sugar maple, musquit (a species of the acacia), pecan, spruce pine, pitch or yellow pine (*pinus palustris*), persimmon, poplar, sycamore, walnut, bois d'Arc, or bow wood, and willow, besides many others, with a great variety of shrubs. Among the latter, may be enumerated a species of laurel locally called, "wild

peach," sumach, chinquepin (or dwarf chestnut), juniper, sassafras, red bud, hog wood, the yawpan or tea tree, wild plum, palmetto, prickly ash, cane-brake, supple jack, raspberry, blackberry, whortle-berry, cranberry, &c. The caoutchouc, or India rubber tree, has been discovered above Bastrop, on the timber lands of the river Colorado. The larger trees near the water courses are sometimes wreathed with Spanish or long moss, a parasitic vegetation of a silver grey colour, shrouding the foliage and displaying a sombre funereal aspect, instead of the cheerful appearance of the verdure which it conceals. In delightful contrast to this funereal drapery, is the superb Magnolia Grandiflora, bearing flowers of brilliant white at the extremities of its young branches, and not unfrequently rising to the height of eighty or ninety feet.

Good cheap beds have been made of the Spanish moss. The only preparation requisite is to steep it in hot water, or to let it remain in cold water to rot, like flax or hemp, after which it is dried, whipped, and put into the tick. Horses, cattle, and deer will feed upon the moss in the winter season. When dried it resembles horse-hair, and is exported for the use of upholsterers and coach-makers.

The Cross Timbers of Northern Texas, which may be deemed one of the natural curiosities of the country, forms a remarkable feature in its topography. The following description of it is founded upon information furnished by respectable persons who have resided for several years in its vicinity, have visited nearly every portion of the adjoining districts, and examined it throughout its whole extent.

The Cross Timber is a continuous series of forests, extending from the woody region at the sources of the Trinity, in a direct line north, across the apparently interminable prairies of northern Texas and the Ozark territory, to the southern bank of the Arkansas river. This belt of timber varies in width from five to fifty miles. Between the Trinity and Red River it is generally from five to nine miles wide, and is so remarkably straight and regular, that it appears to be a work of art. When viewed from the adjoining prairies on the east or west, it appears in the distance like an immense wall of woods stretching from south to north in a straight line, the extremities of which are lost in the horizon. There appears to be no peculiarity in the surface of the ground over which the Cross Timber passes, to distinguish it from the surface of the adjoining country; but, where the country is level, the region traversed by the Cross Timber is level; where it is undulating, and where it is hilly, that also is uneven, conforming in every respect to the general features of the adjoining country. The trees composing these forests are not distinguishable by any peculiarity from those which are occasionally found in the adjoining prairies, or in the bottoms bordering the streams which intersect the Cross Timber. Oak, hickory, elm, white oak, post oak, holly and other trees are found in it. The elm is often found growing luxuriantly far from any stream, and in apparently poor and sandy soil. The black jack, a species of oak, is met with throughout its whole extent, from the Arkansas to the "Black Jack Ridges," at the sources of the Trinity.

The Cross Timber, in its general direction, does not

perceptibly vary from the true meridian. Dr. Irion (formerly Secretary of State of the Republic), a few years since accompanied a party of surveyors, who measured a line extending forty miles due south from the bank of Red River, near the Cross Timber, and found, to their surprise, that the western border of the Cross Timber continued parallel with this line through the whole distance. As might naturally be supposed, the Cross Timber forms the great landmark of the western prairies; and the Indians and hunters, when describing their routes across the country, in their various expeditions, refer to the Cross Timber, as the navigators of Europe refer to the meridian of Greenwich. If they wish to furnish a sketch of the route taken in any expedition, they first draw a line representing the Cross Timber, and another representing the route taken, intersecting the former. Thus a simple, but correct, map of the portion of country traversed in the expedition is at once presented to view.

The remarkable uniformity which characterises the Cross Timber, and its apparently artificial arrangement, under a particular meridian, has induced some persons to believe that it is a work of art, and owes its origin to the unknown race of men who have erected the mounds and ancient fortifications of the Mississippi valley. It is difficult to conceive, however, for what useful purpose it could have been intended, unless as a land-mark to distinguish the boundary between two nations. But whether it be the work of art or of nature, will probably never be determined. The lines of civilisation are rapidly extending towards it, and soon the

scrutiny of science will be for ever checked by the destroying axe of the pioneer.

In the distribution of the timber of Texas for the purposes of the settler, Nature seems to have provided for each section of the Republic with a liberality proportioned to its general necessities. Wood is very abundant east of the Trinity River, where there is a considerable extent of wet prairie and poor land. Between the Trinity and the Brazos, the woods, woodlands, and prairies are nearly equal in respective value. The stiff clay soil of the southern section between the Brazos and the Colorado is overstocked with timber, while the northern section, where the open prairie greatly predominates over the woodland, is equally rich in soil and more easily tilled. The tract lying between the Colorado and the Guadalupe is pretty nearly divisible into equal portions of pasture land and arable prairie, with fertile timbered bottoms. West of the Guadalupe, the comparative deficiency of wood is counterbalanced by a fair proportion of good arable land, with a superabundance of the finest pasturage .

The pine woods of the south-east afford an ample supply of first-rate timber; some pine trees have measured three feet in circumference, fifty feet from the butt. The red cedar which grows in insulated clumps, particularly on the uplands between the rivers, is applicable to most domestic uses, and is said to last thirty years. In the north-west, on the upper waters of the Guadalupe, the hard, close-grained, black walnut is the prevailing growth, and affords an excellent material for ornamental work and household furniture. Post oak and jack oak are useful for fencing and fuel. In addi-

tion to the black and white thorn, the China tree, with its brilliant verdure and beautiful blossoms, and the evergreen wild peach, properly planted, form hedges capable of repelling all four-footed intruders, and very beneficial in the alluvial lands.

The cotton-wood tree, groves of which sometimes fringe the banks of streams, and clothe the low alluvions, is large and extremely tall, resembling the Lombardy poplar in shape and foliage. It is more ornamental than useful, but possesses the recommendation to the settler of yielding readily to the axe. It is of remarkably rapid growth.

The Musquit-tree, a species of dwarf locust, growing on the sloping uplands, and most frequently met with west of the Guadalupe, where other kinds of timber are scarce, bears a pod much valued by the Mexicans for fattening hogs. The tree itself is hard and durable, and is an excellent material for the posts of rail fences.

The Bois d'Arc, of which the Indians make their bows, is of a beautiful yellow colour, and exceedingly tough and elastic. It is often found four feet in diameter and eighty feet in height. It bears a fruit resembling an orange, but larger, on which horses, hogs, and horned cattle eagerly feed.

The quantities of wood required for steam-boat fuel will impart a high value to the timbered lands bordering the navigable rivers. The best kinds of wood for steam-boat consumption are oak, beech, and ash. Cotton-wood gives a lively fire, but is too quick in combustion. Hickory, which is the best domestic fuel, is useless for steam-boats. It is necessary to split steam-boat wood fine, and keep it until perfectly dry. The price of the

wood is governed by many circumstances, but the clear average gain from an acre of woodland on the western rivers has been estimated at 150 dollars.

On the best lands of the Brazos valley, and more or less on all the river-bottoms, is an undergrowth of cane, frequently so thick as to be almost impervious to man. This cane grows to a height of twenty or twenty-five feet, affording, when green, excellent food for cattle, and, when burnt or decayed, a rich manure to the soil. Cane-brakes indicate a dry soil of the richest character, above the point of inundation. The most extensive cane-brake of Texas is on Caney Creek, between the Brazos and the Colorado; there the canes extend several miles in breadth, with but few trees among them, for a distance of sixty miles. On the paths opened through the young plants, men on horseback have passed, shaded by the green over-arching and interlacing reeds. No other vegetable production furnishes a more rich or abundant fodder, or one more grateful to cattle. It springs from the ground like the finest asparagus, with long green leaves and a large succulent stem, and grows to the height of six feet before it acquires the woody fibre. When the cane is cut down and burnt, the ground is in the very best condition for a crop of Indian corn. With the addition of the wild rye, which is sweet and nutritious, it supplies a never-failing winter pasture, when the prairie grass is young. The ripened stems sell well in the Northern States for fishing-rods.

The whole face of the country, woodland and prairie, upland and bottom, is verdant with grass. The indigenous grass of the prairies is tall and coarse, and full

of seed at the top; when young, and before it has thrown up its stems, it resembles the early growth of wheat. If designed for store-fodder, it should be cut before it has lost its tenderness. A grass, similar to the "blue grass" of the Western States, yielding a fine soft sward, and preserving its verdure in winter, affords the best pasturage in Texas. It retains its nutritive qualities after it has become dry and apparently dead. This grass is plentiful wherever the musquit-tree abounds, as west of the Guadalupe, hence its local name of "Musquit grass." In the hilly region, the herbage is tender and well adapted for sheep. The "gama" grass of the Mexicans is indigenous in Texas, as are some varieties of clover.

Texas presents a fruitful field for the labours of the botanist. To the unscientific eye, its multitudinous array of plants and flowers would seem to defy calculation and arrangement. Many of the northern garden-flowers and hot-house exotics bloom spontaneously on the prairies; amongst others, the dahlia, the trumpet-flower, the geranium, heart's-ease, lupin, several varieties of the lily and digitalis, lady's slipper, anemone, jessamine, golden rod, lobelia cardinalis, the passion-flower, &c. Of the rose, numerous varieties, including perpetual, monthly, and multiflora, yield their sweetness, without exacting from man any care in return. Primroses, violets, and the delicate flower of the ground-apple, are common embellishments of the soil. The slopes ascending from the water-courses are often entirely overrun with the elastic and delicate *mimosa sensitiva*, which shrinks and contracts its leaves, to the

distance of many feet in advance of the approaching wayfarer.

The open, wood-girdled lands, which the early French settlers in the Mississippi valley distinguished by the name of "prairies," or meadows, and which are called "savannas" by the Spaniards, form the characteristic feature of the landscape of Texas, in common with the scenery of Illinois, and some other Western States. In Texas, the prairies vary in extent from one hundred to many thousand acres. Their superior elevation, which, with the porous quality of the soil, facilitates drainage, renders them more healthy than the prairies of Illinois, on which the waters lodge until evaporated by the heat of the sun. These natural lawns of Texas rise into moderate eminences that terminate in woodland, and afford building sites singularly picturesque and beautiful. In the expressive language of the Western country, the surface of the prairies is termed "rolling," from its supposed resemblance to the long, heavy swell of the ocean, when its waves are subsiding after a storm.

"The attraction of the prairie," says the author of Statistics of the West, "consists in its extent, its carpet of verdure and flowers, its undulating surface, its groves, and the fringe of timber by which it is surrounded. Of all these, the last is the most expressive feature; it is that which gives character to the landscape,—which imparts the shape, and marks the boundary of the plain. If the prairie be small, its greatest beauty consists in the vicinity of the surrounding margin of woodland, which resembles the shore of a lake, indented with deep vistas, like bays and inlets, and throwing out long points, like

capes and headlands; while occasionally these points approach so close on either hand, that the traveller passes through a narrow avenue, or strait, where the shadows of the woodland fall upon his path, and then again emerges into another prairie. Where the plain is large, the forest outline is seen in the far perspective, like the dim shore when beheld at a distance from the ocean. The eye sometimes roves over the green meadow without discovering a tree, a shrub, or any other object in the immense expanse but the wilderness of grass and flowers; while, at another time, the prospect is enlivened by the groves, which are seen interspersed like islands, or the solitary tree, which stands alone in the blooming desert.

"If it be in the spring of the year, and the young grass has just covered the ground with a carpet of delicate green—and, especially, if the sun is rising from behind a distant swell of the plain, and glittering upon the dew-drops, no scene can be more lovely to the eye. * * * * When the eye roves off from the green plain to the groves or points of timber, these are also found to be, in this season, robed in the most attractive hues. The rich undergrowth is in full bloom. The red-bud, the dog-wood, the crab-apple, the wild plum, the cherry, the wild rose, are abundant in all the rich lands; and the grape-vine, though its blossom is unseen, fills the air with fragrance. The variety of the wild fruit and flowering shrubs is so great, and such the profusion of the blossoms with which they are bowed down, that the eye is regaled almost to satiety.

The gaiety of the prairie, its embellishments, and the absence of the gloom and savage wildness of the

forest, all contribute to dispel the feeling of lonesomeness which usually creeps over the mind of the solitary traveller in the wilderness. Though he may not see a house, nor a human being, and is conscious that he is far from the habitation of man, he can scarcely divest himself of the idea that he is travelling through scenes embellished by the hand of art. The flowers, so fragile, so delicate, and so ornamental, seem to have been tastefully disposed to adorn the scene. The groves and clumps of trees appear to have been scattered over the lawn to beautify the landscape, and it is not easy to avoid that illusion of the fancy which persuades the beholder that such scenery has been created to gratify the refined taste of civilised man. Europeans are often reminded of the resemblance of this scene to that of the extensive parks of noblemen, which they have been accustomed to admire in the old world; the lawn, the avenue, the grove, the copse, which are there produced by art, are here produced by nature,—a splendid specimen of massy architecture, and the distant view of villages, are alone wanting to render the similitude complete.

"In the summer the prairie is covered with long coarse grass, which soon assumes a golden hue, and waves in the wind like a ripe harvest. In the low, wet prairies, where the substratum of clay lies near the surface, the centre or main stem of this grass, which bears the seed, acquires great thickness, and shoots up to the height of eight or nine feet, throwing out a few long, coarse leaves or blades, and the traveller often finds it higher than his head, as he rides through it on horseback. The plants, although numerous, and stand-

ing close together, appear to grow singly and unconnected, the whole force of the vegetative power expanding itself upward. But, in the rich undulating prairies, the grass is finer, with less of stalk, and a greater profusion of leaves. The roots spread and interweave, so as to form a compact, even sod, and the blades expand into a close, thick sward, which is seldom more than eighteen inches high, and often less, until late in the season, when the seed-bearing stem grows up.

"The first coat of grass is mingled with small flowers, the violet, the bloom of the strawberry, and others of the most minute and delicate texture. As the grass increases in size, these disappear, and others, taller, and more gaudy, display their brilliant colours upon the green surface; and still later, a larger and coarser succession rises with the rising tide of verdure. The whole of the surface of these beautiful plains is clad, throughout the season of verdure, with every imaginable variety of colour, from grave to gay. It is impossible to conceive a greater diversity, or a richer profusion of hues, or to detect any predominating tint, except the green, which forms the beautiful ground, and relieves the exquisite brilliancy of all the others. The only changes of colour observed at the different seasons arise from the circumstance that, in the spring, the flowers are small, and the colours delicate; as the heat becomes more ardent, a hardier race appears, the flowers attain a greater size, and the hue deepens; and still later, a succession of coarser plants rise above the tall grass, throwing out larger and gaudier flowers. As the season advances from spring to midsummer, the individual flower be-

comes less beautiful, when closely inspected, but the landscape is far more variegated, rich and glowing."

The preceding description is particularly applicable to the prairies of Illinois, which, both in salubrity and beauty, are inferior to the rolling lands of Texas.

"The whole of these prairies" (I quote from the published travels of Lewis and Clarke), "are represented to be composed of the richest and most fertile soil. The most luxuriant and succulent herbage covers the surface of the earth, interspersed with millions of flowers and flowering shrubs of the most ornamental character. Those who have viewed only a skirt of these prairies speak of them with enthusiasm, as if it were only there that nature was to be found truly perfect. They declare that the fertility of the rising grounds, the extreme richness of the vales, the coolness and excellent quality of the water found in every valley, the salubrity of the atmosphere, and, above all, the grandeur of the enchanting landscape which the country presents, inspire the soul with sensations not to be felt in any other region of the globe. Such is the description of the better known country lying to the south of the Red River, from Nacogdoches to San Antonio, in the province of Texas."

The appearance of a Texan prairie in spring, is thus depicted by Mrs. Holley:—"It is impossible to imagine the beauty of a Texas prairie when, in the vernal season, its rich luxuriant herbage, adorned with its thousand flowers, of every size and hue, seems to realize the vision of a terrestrial paradise. None but those who have seen can form an idea of its surpassing loveliness, and pen and pencil alike would fail in its delineation. The deli-

cate, the gay, and the gaudy are intermingled with delightful confusion, and those fanciful bouquets of fairy Nature borrow ten-fold charms from the smooth carpet of modest green which mantles around them. To say that admiration was excited in such a scene, would be but a faint transcript of the feelings. One feels that Omnipotence has consecrated here, in the bosom of nature and under heaven's wide canopy, a temple to receive the praise and adoration of the grateful beholder; and wild and reckless must be the soul from whose sensibilities no responsive homage could be elicited by such an exhibition of the power and beneficence of the Creator."

The colours are glowing, but, according to my own impressions, I cannot say that the picture is overwrought. Fair indeed, serenely fair, as a Madonna's aspect—and tranquillising and hope-inspiring to the care-stricken and heart-wearied homeseeker, are those Gardens of the Desert:

> "Those boundless unshorn fields, where lingers yet
> The beauty of the earth ere man had sinned—
> The Prairies!"

CHAPTER V.

Geological features of Texas—Gold and Silver of the North-western Highlands—Iron-ore, Alum, Copper, Lead, Steatite, and White Sulphuret of Iron—Mass of Metal at the Sources of the Brazos, supposed to be Meteoric Iron—Discovery of Zinc and Iron Pyrites—Peculiar Species of Stone—Abundance of Coal and Materials for Brick-making—Pumice Stone and Asphaltum at Galveston Island—Bituminous Bed on the San Bernard—Salt Lakes and Mineral Springs—Marine Fossil Remains and Siliceous Petrifactions—Petrified Forest near the Sources of the Pasigono —Diluvial and Artifiial Mounds—Wild Animals—Game—Sporting of the West—Water-fowl and Land-birds—Fish, Reptiles, Insects.

SECONDARY and alluvial formations are the great geological characteristics of Texas. The Brazos Valley and the whole of the lower region of the Republic is one vast alluvion with a surface of black friable mould, formed by the decomposition of vegetable matter, and containing an admixture of fine silicious sand. Here, stones or gravel beds, are rarely seen, and the banks of the rivers are of the same rich soil as the lands they border. Masses of oyster shells and other marine deposits imbedded in the earth, confirm the prevailing belief that these smiling tracts, at no very remote epoch, acknowledged the dominion of the sea. Mounds are not unfrequent, the composition of which has strengthened this conclusion; and one remarkable for its elevation above the prairie may be described as illustrative of all. In the district of the Brazos, about twelve miles above Columbia, is a singular swelling, or rather a series of undulations, above one hundred feet high and above a mile in circumference, forming a long regularly oval

knoll, which attracts the notice of every traveller, it being the only eminence that breaks the uniform level of the surrounding tract for thirty or forty miles on either side. Of this mound, disintegrated limestone, gypsum, oyster, and other shells, comprising a great variety of marine exuviæ, are the constituent parts.

Advancing from the coast to the interior, the more recent deposits give way to beds of slate, shale, and sandstone, which are succeeded by those of the argillaceous oxide of iron and bituminous coal: still farther to the west, the appearance of transition, slates, and limestone, with trilobite enclosed, indicates the approach to the regions of mineral wealth and vegetable sterility: beyond these arise the Rocky Mountains, the "backbone of the North American continent," which, regarded by the Red Men with superstitious awe, is called by them the "Crest of the World!"

The granitic chain of the Rocky Mountains does not present a range of uniform elevation, but rather groups, and, occasionally, detached peaks. Though some of these rise to the region of perpetual snow, their height, from their immediate base, is not so great as might be imagined, as they swell up from elevated plains several thousand feet above the level of the ocean. These plains are often of a desolate sterility—mere sandy wastes, destitute of trees and herbage, scorched by the ardent and reflected rays of the summer sun, and swept in winter by chilling blasts from the snow-clad mountains. Such is a great part of that vast region extending north and south along the mountains several hundred miles in width, which, resembling the arid steppes of Tartary, has been appropriately termed the

Great American Desert. Between the insulated peaks and groups are deep valleys, with small streams winding through them, which find their way to the lower plains, augmenting as they proceed, and ultimately discharging themselves into those great rivers which, draining the continent, traverse the prairies, like huge arteries. The soil of these vallies is generally blackish, though sometimes yellow. It is frequently mixed with marl, and with marine substances in a state of decomposition. It is through these fertile intervals that population must ultimately extend its ramifications westward to the Pacific.

There are many extensive beds of blue limestone in North-western Texas; there are also detached boulders of granitic rock, and, it is said, quarries of excellent marble: clay and sand, suitable for brick-making, are found between this section and the line of the lower Brazos. Some specimens of gold and silver have been brought from the neighbourhood of the San Saba hills, and the mountainous region about one hundred and fifty miles north-east of Bexar. The particles of gold, which were small and pure, were lodged in veins disseminated in fragments of reddish quartz. According to a tradition noticed by Almonte, a silver mine was, in former times, beneficially wrought near the mouth of the San Saba river; but the Comanche Indians having destroyed the works and the fort erected for their protection, the mine was abandoned. Although an association for the purpose has been formed, the jealousy with which the roving Indians regard the intrusion of white men upon their hunting grounds has hitherto retarded the progress of the Anglo-American settlers in Texas in syste-

matic geological researches over the interesting region of the northwestern highlands.

Iron ore is distributed in profusion throughout Texas, being found almost everywhere except in the level region of the coast. Sulphate of iron, alum, copper and lead, have been discovered in considerable quantities. Specimens of steatite, of which there are extensive beds, and white sulphuret of iron, have been obtained on the banks of the Rio Frio. At the sources of the Brazos there is a large mass of bright and malleable metal, slightly oxidated, several tons weight, of which a portion was conveyed to New York, some years back, under the impression of its being platinum. Experiments, it is stated, proved it to be pure native, or meteoric, iron; a very rare species of ore, the existence of which was long disputed by mineralogists, but which has been found not only in volcanic formations, but in veins properly so called; zinc and iron pyrites are occasionally discovered. Valuable lime-stone, gypsum, and mill-stone grit, are found in various sections of the country, and, on the upper forks of the Trinity lead has been found as pure and as accessible as at the celebrated mines of Missouri. A species of stone, in the vicinity of San Antonio de Bexar, affords a most convenient and durable building material. When first taken from the quarry, it is quite soft, and may be worked with the greatest facility; but by exposure to the atmosphere, it soon becomes indurated, so as to resist a strong application of mechanical force. When this stone is intended for use, it should be kept under water until immediately required.

In addition to iron, the utilitarian sovereign of metals,

Texas possesses coal—the grand auxiliary of the arts, which tend to enrich and civilise the world. Coal, both anthracite and bituminous, abounds from the Trinity River to the Rio Grande. The coal on the latter river has been represented, by the agent of the "Texas and New Ireland Land Company," an association broken up by the revolution in 1836, as of a generous and bituminous quality, almost, if not quite, equal to "Liverpool." The same parties have stated that iron ore and a fine-grained granite are abundant on the Rio Grande, together with clay and sand for brick-making.

Small masses of pumice-stone, and a kind of asphaltum, have been found on the shores of Galveston Island, thrown up, probably, by the waves. In the northern part of the island, ten or twelve feet below the surface, there are extensive ledges of disintegrated limestone and numerous beds of clay. In common with almost all countries that contain salt mines or lakes, Texas has bituminous beds. Almonte mentions one, on the River San Bernard, about fifteen miles from San Felipe, by the road which leads from that town to Gonzales. It lies, he says, precisely in the middle of the stream, where he bathed at half-past six in the afternoon of the month of August, 1834, and found the water so warm that he could not bear it for a minute. A great quantity of pitch, he conceives, might be extracted by changing the current of the river—an undertaking of no great difficulty, as the stream at the spot is shallow, and not more than twelve or fourteen feet across.

Salt is abundant from the Sabine to the Rio Grande. In addition to the great salt lake, about thirty miles east of the Rio Grande, and the saline lake of the Brazos,

there are others of less importance, with numerous saline springs, and even some streams, as the Sal Colorado. The manufacture of salt for the Mexican market might prove very lucrative. The value of salt in stock-raising is well known to every grazier. Conjoined to the extraordinary dryness of the climate and the fineness of the pasturage, it will render the rearing of sheep a certain source of profit in the north-western high lands. Nitrate of potash abounds in the district of Nacogdoches. Near the mouth of the Navasoto is a spring which affords a large stream of water highly impregnated with sulphur. A similar one rises near the city of Austin, and another long noted for its medicinal virtues, about thirty miles from San Antonio, on the western bank of the Cibolo. Besides these, there are springs of a chalybeate character.

Marine fossil remains, and silicious petrifactions are found in different parts of the country. In the middle and northern sections of the district lying between the Trinity and Neches rivers, great numbers of petrified post oak lie imbedded in the soil, some in a horizontal position, but the larger portion nearly upright, with an inclination towards the north. They are extremely hard, giving fire to steel; generally of a light grey or reddish-brown colour, and present distinctly the form of the trunk of the post oak, even to the knots. "Near the head of the Pasigono River," according to a late Topographical Description of Texas, "is the celebrated petrified forest, which has attracted so much attention from naturalists. Here is a forest of several hundred acres of trees *standing*, which are turned to stone. This is a plain contradiction to the theory which has hereto-

fore existed on the subject of petrifaction. The doctrine of submergation being required to produce petrifaction, is entirely disproved. Petrifactions which exist in many parts of this country show evident marks of recent formation. Trees which are growing are sometimes partially changed to stone." Minute examination will, I apprehend, deprive this stone forest of much of its marvellous pretensions, which are doubtless owing to silicious springs, or the rapid formation of incrusting concretionary limestone, which readily moulds itself to the shape of a foreign body. The deposits from calcareous springs form equally on vegetable substances—on stones, metals, wood, or lead, and probably incrusted the petrified waggon wheels previously mentioned on the authority of Mr. Bonnell. Great quantities of petrified bones, of an immense size, have been found in the bed of the Brazos. From this collection a gentleman of San Felipe procured several teeth of an enormous size; one of them, with a small portion of the jaw attached to it, weighed above fifty pounds. A fossil horn was found above San Felipe, measuring eight feet in length, and about three feet in the thickest part of the circumference. Nearly the entire skeleton of some huge unknown animal has been found just below Bastrop, on the bank of the Colorado. The bones, which are larger than any of those dug up in the Mississippi valley, are different from those of the Mastodon. The animal had been furnished with horns, six feet and a half in length, and nine inches in diameter. Part of a tooth was found, which weighed above sixteen pounds. Bivalves and other shells have been

taken from the limestone in the neighbourhood of the city of Austin.

Besides mounds of apparently diluvial formation, there are others which, like those of Illinois and Missouri, have evidently been constructed by the hands of men, and by a race which probably preceded the Red Indian. The most remarkable of these is a circular erection on a plain near the Neches, in the district of Nacogdoches. The diameter of its base is about fifty yards, and it ascends, with a steep acclivity, to an elevation of some fifty feet. The surface near the base is smooth, and the earth which forms the mound was evidently conveyed several hundred yards from the edge of an abrupt declivity, from which a great quantity of clay seems to have been scooped. History contains no record of the people by whom these mounds were raised, or the purposes for which they were intended.

All the wild animals common to the Western States, and some peculiar to Mexico, are found in Texas. The bison, or buffalo, which deserted the prairies of the western country, as population encroached upon its range of pasturage, and which, owing to the same cause, has retreated from many of its accustomed haunts in Texas, is still to be met with in the mountainous district between the Guadalupe and the Rio Grande. The scent of the buffalo is so acute that it can only be approached from the leeward side: it is timid until wounded, when it becomes wildly impetuous, and repeats its attack until it falls. Being both active and powerful, the charge of an old bull is very formidable. The horns, thick at the base, short and sharp-pointed, are hard and black, and highly prized for cups and other

purposes. The buffalo, when young, may be domesticated without much difficulty. Its flesh, when the animal is in good condition, is excellent, and the hump, the taste of which has been compared to marrow, is considered a delicacy by the hunters. Buffalo hides are covered with an exceedingly thick hair, approaching to the character of wool, and bring good prices in Canada and the Northern States, where they are used as wrappers in winter travelling, especially in the sledges or sleighs. They are also valuable in Spanish America, where they are used as a sort of bed or carpet. Buffaloes are seldom seen near the sea coast, but descend in large herds from Arkansas, Missouri, and the uninhabited tract between the head waters of the Red River and Santa Fé. Their flesh supplies the principal sustenance of the Comanches and other Indian tribes. In a late campaign against the Cherokees and Comanches, General Burleson, the commander of the Texan troops, scoured the Indian country for a considerable distance, and on his return drove before his army all the large herds of buffaloes in that direction, until not much less than 25,000 head were found feeding within the settlements of Texas. When upon this service, General Burleson traversed a large extent of country, from the borders of the Trinity on the east, to the neighbourhood of the branches of the Rio Grande, on the west.

The buffalo is migratory, and during the summer journeys towards the north, over the plains that lie between the head waters of the Red River, the Arkansas, the Missouri, and the Rio Grande. In the winter the snow compels the herds to turn, in search of pasturage, towards the mild regions of the south.

Captain Bonneville, in his Adventures beyond the Rocky Mountains, gives the following picturesque description of the migrations of this animal:—

"They now came to a region abounding in buffalo—that ever-journeying animal, which moves in countless droves from point to point of the vast wilderness; traversing plains, pouring through the intricate defiles of mountains, swimming rivers—ever on the move: guided in its boundless migrations by some traditionary knowledge, like the finny tribes of the ocean, which, at their certain seasons, find their mysterious paths across the deep, and revisit the remotest shores.

"These great migratory herds of the buffalo have their hereditary paths and byways, worn deep through the country, and making for the surest passes of the mountains, and the most practicable fords of rivers. When once a great column is in full career, it goes straightforward, regardless of obstacles, those in front being impelled by the moving mass behind. At such times they will break through a camp, trampling down every thing in their course.

"It was the lot of the voyagers, one night, to encamp at one of these buffalo landing-places, and exactly in the trail. They had not been long asleep when they were awakened by a great bellowing and trampling, and the rush, and splash, and snorting of animals in the river. * * * * It was a singular spectacle, by the uncertain moonlight, to behold this countless throng making their way across the river, blowing, and bellowing, and splashing. Sometimes they pass in such dense and continuous column as to form a temporary dam across the river, the waters of which rise and rush over

their backs or between their squadrons. The roaring and rushing sounds of one of these vast herds crossing a river may sometimes, on a still night, be heard for many miles."

Wild horses, or *mustangs*, as they are called by the Mexicans, are numerous in the northern prairies and the western sections of Texas, where they keep a-head of population. They are seldom large or heavy, but show blood, are well proportioned, hardy, active, and docile, if caught young. They are generally about thirteen hands high, and of all colours, though piebald, light brown, chestnut, and dun prevail. The hoofs of the Texan mustangs are tender, as compared with those of the horses of central Mexico, in consequence of the softness of the ground on which they are reared. They are better adapted to the saddle than to harness. These animals are the descendants of Barbary horses introduced into the New World by the Spaniards, and set at large on the abundant pastures, where they have multiplied amazingly. They are ridden, hunted, and, in times of scarcity, eaten by the wild Indians of the Mexican frontier. There are two modes of catching them—by noosing them with a cord made of twisted strips of raw hide, attached to a long pole, and called the *lazo*, and by surrounding and driving them into pens prepared for their reception. The hunters who use the lazo, when a drove appears, station themselves, well mounted, around it, and commence the chase. As soon as the lazo is thrown over the head of a horse, it is drawn tight, almost to suffocation, and being hauled out at right angles with the rider's course, the animal is thrown to the ground, bereft of motion, and sometimes of life.

He is raised and mounted by a rider with heavy spurs and powerful bits, flogged, and run at full speed, until exhaustion is complete. Broken by the repetition of this cruel process, he ever after dreads the lazo; and, however refractory, can be immediately subdued by its use, and often by its mere display. The other and better mode of catching wild horses is by constructing a wooden fence in the shape of a harrow, with a strong pen at its lesser end, and driving or decoying the animals into it. They are sold at various prices: those caught with the lazo are worth only a few dollars in the home market: if taken young in the pens they are easily domesticated, and occasionally bring large prices in the markets of the United States. The presence of the wild horse is itself a proof of the natural luxuriance of the soil and the mildness of the climate.

Asses and mules are frequently found mingled with the wild horses. The latter obtain a ready sale in Louisiana and Florida; and as large numbers can be reared on the natural pastures for a trifle, they will form a source of considerable profit to the grazier. It is a practice of the Mexican breeders to cut off one of the ligaments of the fore legs, to restrain the brood mares from eloping with the wild herds, a practice by which an Anglo-American population will, I trust, never be disgraced.

The appearance of the wild horse in his Texan pastures has been graphically sketched by an eyewitness:—

"We rode through beds of sun-flowers, miles in extent, their dark seedy centres and radiating yellow leaves following the sun through the day from east to west, and drooping when the shadows fell over them.

These were sometimes beautifully varied with a delicate flower, of an azure tint, yielding no perfume, but forming a pleasant contrast to the bright yellow of the sun-flower.

"About half-past ten we discerned a creature in motion at an immense distance, and instantly started in pursuit. Fifteen minutes' riding brought us near enough to discover, by its fleetness, that it could not be a buffalo, yet it was too large for an antelope or deer. On we went, and soon distinguished the erect head, the flowing mane, and the beautiful proportions of the wild horse of the prairie. He saw us, and sped away with an arrowy fleetness till he gained a distant eminence, when he turned to gaze at us, and suffered us to approach within four hundred yards, when he bounded away again in another direction, with a graceful velocity delightful to behold. We paused—for, to pursue him with a view to capture was clearly out of the question. When he discovered we were not following him, he also paused, and now seemed to be inspired with curiosity equal to our own, for, after making a slight turn, he came nearer, until we could distinguish the inquiring expression of his clear, bright eye, and the quick curl of his inflated nostrils.

"We had no hopes of catching, and did not wish to kill him, but our curiosity led us to approach him slowly. We had not advanced far before he moved away, and, circling round, approached on the other side. It was a beautiful animal—a sorrel, with jet black mane and tail. As he moved, we could see the muscles quiver in his glossy limbs; and when, half playfully, and half in fright, he tossed his flowing mane in the air, and

flourished his long silky tail, our admiration knew no bounds, and we longed—hopelessly, vexatiously longed —to possess him. We might have shot him where we stood; but, had we been starving, we could scarcely have done it. He was free, and we loved him for the very possession of that liberty we longed to take from him; but we would not kill him. We fired a rifle over his head: he heard the shot, and the whiz of the ball, and away he went, disappearing in the next hollow, showing himself again as he crossed the distant ridges, still seeming smaller, until he faded away to a speck on the far horizon's verge."

Deer are abundant in every part of Texas, whether settled or waste; but they seem to prefer the level region of the coast. They are constantly crossing the traveller's path, or are seen grazing in flocks on the flowery prairies, heightening the resemblance of those wooded meadows to the parks of the British aristocracy. In some parts of the country the settler may calculate on killing a deer with as much certainty as an English farmer can count upon taking a sheep from his own flock. The flesh of the deer is good, and the skin valuable, both for export and domestic use. The hams, when properly cured, are an excellent article of food. Many of the woodsmen dress the skins, and make them into pantaloons and hunting-shirts,—garments of great utility in piercing through the tangled and thorny undergrowth of wild districts.

There are several modes of Western deer-hunting, and all equally primitive. Sometimes the hunters resort to a favourite haunt of the game, such as the neighbourhood of a "salt-lick;" and while a part beat

up their retreat with the dogs, others remain in ambush near their usual crossing-places at the streams and swamps, and shoot the deer as they pass. In the night they are decoyed and killed by a mode familiar to the Western hunters, and called "shining the eyes." A hunter fixes a blazing torch in his hat, or employs a person to carry one immediately in his front. The deer stands gazing at the light, and the hunter calculates his distance and takes his aim, guided by the brilliancy of the animal's eyes and the space between them, being especially careful that the shadow of a tree or any other object does not fall upon the game. Experienced woodsmen say that, in the season when the pastures are green, the deer invariably quits its lair at the rising of the moon. Keeping this hour in view, the hunter rides through the forest, with his rifle on his shoulder, directing a keen glance towards the adjacent shades. The moment the deer is in sight, he slides from his horse, advances under cover of the largest trees, until he gets within rifle range, when he fires, and rarely fails in bringing down the quarry. In the cloudless nights of summer, when the moon is abroad in the splendour of the southern latitudes, it is a most exhilarating pastime to lie in ambush near the resort of the deer, ensconced behind an artificial screen of green boughs, or perched among the thick branches of a spreading tree.

The moose and the elk have fled before civilisation to the solitudes of the western frontier, but civilisation, by destroying or driving off the wolves, is favourable to the increase of deer, whose most inveterate enemies are the beasts of prey which devour their young.

Bears are frequently encountered at a distance from

the settlements, and are hunted for the oil and skin. The flesh of the American black bear, the only kind known in Texas, is cured for food, and the hams are considered particularly good. There are some of the feline tribes in Texas, such as the Mexican cougar and panther, which commit depredations on the stock of the solitary settler, but are not formidable to man. The Mexican wild hog (peccari) is occasionally seen among the mountains. Wolves and foxes are troublesome on the outskirts of remote settlements, and there are sufficient numbers of raccoons, opossums, hares, rabbits, and such "small deer," to afford the hunter constant sport in the woodlands.

In the list of amphibious animals are the otter and beaver, which formerly abounded in the district of Nacogdoches, but have been greatly thinned by the hunters and trappers. Packs of large and powerful dogs are kept by most of the planters for the purpose of destroying wolves and other four-footed prowlers destructive of stock. The beasts of prey are destined soon to disappear before the husbandman's axe and the hunter's rifle.

In the department of ornithology, most of the specimens known to the United States are common to Texas. Of land birds of prey, there are the bald eagle, the Mexican eagle, the vulture, buzzard, and several varieties of hawks and owls. The aquatic birds of prey are varied and numerous, including different species of cranes—one (*bec rouge*) with a beautiful red crest—the pelican, cormorant, swan, heron, kingfisher, water-turkey, gull, &c. No waters on the globe are the resort of a greater number and variety of fowl than those

on the coast of the Mexican gulf. Immense flocks of wild geese, brant, snipe, teal, curlew, canvass-back and summer-ducks, and other aquatic varieties, frequent the rivers and sea-shore, offering an easy and inexhaustible prey to the sportsman, who will also find on land good store of partridges, pheasants, prairie-hens, quails, turtle-doves, pigeons, plover, snipes, ortolans, and other birds suited to the table. There are, besides the raven, the prairie-hawk, the fish-hawk, the crow, the magpie, red-winged black-birds, starlings, the blue jay, the lark, different species of the woodpecker, swallows, and martins, the gay, clamorous, and pilfering paroquet, the brilliant and delicate humming-bird, with, among the songsters of the grove, the mocking-bird, the oriole, the thrush, and the whip-poor-will. Birds of song seldom enliven the deep solitudes of the forests; it is an observation in the Western States, that they rapidly follow the march of population. Domestic fowls are very prolific, and lay their eggs throughout the whole winter. A single hen will rear a hundred chickens in the year, and chickens hatched in the spring have produced broods of their own in autumn.

The streams, rivers, and bays of Texas, abound in fish, not a few of which are of excellent quality. To many kinds the settlers have given English names, although differing widely from those whose appellations have been bestowed upon them. The red-fish of Galveston Bay weighs from five to fifty pounds, and is so plentiful that its name has been given to the sand-bar which intersects the bay. The sailors of the Columbia, the steamer in which I sailed to Galveston from New Orleans, caught a number of this fish with the sieve,

and it made a very agreeable addition to the dinner-table. Yellow, white, and blue catfish are common in the small streams and rivers, and are palatable food. There are likewise (so called by the inhabitants) perch, buffalo, eels, sheep's-head, mullet, pike, trout, flounder, sucker, and other edible fish familiar to the American waters. The gar, a worthless fish, shaped like a pike, but longer, rounder and swifter, frequents the Red River. The alligator gar attains a great size, is armed with almost impenetrable scales, and, from its strength and voracity, may be termed the river-shark. Of the crustaceous tribes, the crab, cray-fish, and a large kind of shrimp, are the principal sorts. Oysters, clams, and muscles, are the most prominent of the testaceous varieties. Beds of well-flavoured oysters line great part of the coast, and nearly all the adjacent inlets.

In the class of reptiles, the only valuable species is the tortoise. Both the hard and soft shelled turtle are numerous in the bays and mouths of the rivers. The soft-shelled mud tortoise is said to be not much inferior to the West India sea-turtle, as an article of epicurean indulgence. Lizards and chameleons are common, and there are scorpions which, with a large and ugly kind of spider named tarantula inflicting a sting resembling that of a bee, bear an indifferent reputation. The largest and most formidable animal of the reptile class is the alligator, which infests the large rivers, especially Red River and its bayous. These creatures are, however, rather objects of terror from their bulk, strength, and hideous aspect, than from their actual aggressions. They are dangerous to pigs, calves, and other domestic

animals of like size, but they are easily avoided even by children, in consequence of their inability to move in a lateral direction. On land they are sluggish and harmless, neither going out of their way to attack, nor to avoid man. The largest alligators measure about sixteen feet in length; the skin is valuable for the tanner.

Few new countries have been less troubled with serpents than Texas, yet it has some of a venomous character, but for whose attacks remedies may easily be provided. The rattle-snake, which grows to a large size, is not apt to assail man unless it be trampled upon, or otherwise provoked, and it almost invariably gives timely warning of hostilities by shaking the rattles with which it is furnished. The large rattle-snake is seldom seen far out in the prairie; the moccasin snake is confined to wet, or marshy land; the prairie snake is a small reptile about a foot in length, and of a drab colour. Besides these, the copper-head snake is the only venomous serpent to be found in Texas, and though the list may appear to Europeans much too long, Americans do not regard it as forming any serious objection to settling in the country. The Indians, it is said, when bitten by the rattle-snake, kill the reptile (taking care that it does not bite itself) and apply the fleshy part of the tail to the wound, until (as is supposed) the poison having a greater affinity for the flesh of the serpent than for that of the man, is thereby extracted. A root called snakes'-master, which grows abundantly in the pine-woods, is said to be an efficient remedy for the reptile's venom. It is a received opinion in the Western States, that the external and internal application of volatile

alkali will neutralise the poison and effect a certain cure. The following remedy has been recommended by a physician who had witnessed its beneficial effects:—To the freshly bitten surface he applied a bright coal, on the end of a burning hickory stick, and kept it there long enough to raise a deep blister. This was performed about sunset upon a soldier's leg, and the next day the man marched and did his duty as usual. Among the harmless serpents is the glass snake, of a lustrous brilliancy, which, if struck on the back, will break into a number of pieces like glass. Snakes of every description are easily disabled by a stroke on the back; a smart blow with a rod, or a riding whip, being sufficient to destroy their locomotive power.

The deer of the West seems to have an instinctive animosity to the rattle-snake, retiring back and then rushing forward and stamping it to death with its hoofs, whenever it crosses its path. But, where the population has become dense, the most destructive foes to this hated reptile are the swine, which kill and devour them greedily. With the rapid increase of the "unclean beast," the rattle-snake in Texas will speedily disappear. Great numbers of them are destroyed annually in the periodical burnings of the prairie grass.

The low lands of Texas are of course prolific in frogs and toads. A singular little animal of the lizard tribe, termed in popular phraseology the "horned frog," inhabits the prairies, and is an object of some curiosity. It is harmless and agile, coloured and shaped like a frog, with the difference that it exhibits a tail and does not leap in running. Its "horns" are small projections ris-

ing about a quarter of an inch from the front of the head. A sailor at Galveston, who had caged a few of these animals in the crown of his hat, valued his collection at ten dollars a-piece, and, as an encouragement to purchase, assured me that I might convey the prize alive and well to Europe without any farther trouble than supplying them with air.

Nature has been prodigal of insect life, especially in the low and thickly-wooded region, where the inhabitants, during the heat of summer, are so annoyed by musquitos, and their indefatigable allies, as to repine bitterly at the profusion of these minute but malignant tormentors. In riding through this region during the months of July, August, or September, both man and horse suffer severely. Calomel is applied to allay the sufferings of the horses and cattle, and persecuted humanity will derive relief from an application of spirits and water to the venomous punctures of the musquito and sand-fly,—a remedy first recommended to me by a hospitable old lady, of goodly proportions and French descent, residing at Riviére du Loup, in Lower Canada. —May her shadow never be less!

Owing to its exemption from troublesome insects, in addition to its superior salubrity and other considerations of moment, I would recommend the rolling and hilly country of the Upper Brazos, Colorado, and Guadalupe, to the European settler, in preference to the level section of the coast—the paradise of the cotton planter.

The cantharides or Spanish flies, used for blistering, are common, besides bees, beetles, grass-hoppers, butterflies, ants, wasps, fireflies, with many kindred and dis-

similar species, calculated to reward the researches and enrich the collections of the entomologist. The farther we advance along the level and undulating country towards the Rio Grande, the more closely do we find the productions, animal and vegetable, of Texas, approach in character to those of intertropical Mexico.

CHAPTER VI.

Suitable Locations for Agricultural Emigrants—Facilities for raising every kind of Stock—Division of the Republic into Counties—Character of their Soil and nature of their Products—Jefferson—Jasper—Sabine—San Augustine—Shelby—Harrison—Red River—Fannin—Nacogdoches—Houston—Liberty—Galveston—Harrisburg—Montgomery—Robertson—Milam—Brazoria—Austin—Fort Bend—Washington—Matagorda—Colorado—Fayette—Bastrop—Travis—Jackson—Victoria—Gonzalez—Refugio—Goliad—Bexar—San Patricio—Original Field Notes and Journal of a Survey, for the New Arkansas and Texas Land Company—Superiority of Prairie over Forest Land for the purposes of Settlers, especially European emigrants.

In describing the three great natural divisions of the soil of Texas, the emigrant has been furnished with a general guide to direct him in pitching his tent, or erecting his log-house, in conformity with his previous habits and ultimate views. If the native of a southern clime, devoted to tropical agriculture and anxious to obtain quick and large returns from capital, he will find a suitable field of operation on the alluvial lands of the coast, or the rich "bottoms" of the Red River. If accustomed to a more temperate clime, and the mixed pursuit of farming and stock-raising, he will be quite at home on the rolling prairies. If transplanted from the keen and vigorous north, from a land where the aid of manufacturing industry has been called in to assist the endeavours of the grower of wheat and the breeder of sheep and cattle, his proper resting-place will be in the bracing neighbourhood of the north-western high lands, where tender pasturage awaits the impor-

tation of the Merino, and streams, rapid and perennial, invite the erection of mills and the introduction of machinery.

Cattle and swine, and indeed horses and mules, may be reared everywhere, with an absence of trouble and expense almost incredible. So favourable is the climate and so abundant the provision which Nature has made, that little attention is requisite beyond such precautions as may be necessary to prevent them from straying away or becoming wild. For horses and cattle the prairie grasses and the cane-brakes offer a never failing supply of provender, and the "mast" of the woods, with native ground pea and various nutritious roots, will long afford unbought subsistence to hogs. Even salt is ready at hand for the preservation of animal health.

Live stock may be introduced from the United States, purchased in the country, or procured cheap from the Mexicans on the Rio Grande. The increase is more rapid than in colder climes, the produce is earlier, and, allowing for all casualties, stock generally will double their numbers every two years, without any exaction of care or cost. It is not unusual for the first calf to be brought forth when the mother is but fourteen or fifteen months old. Domestic animals fatten very fast, and the beef and pork are of first-rate quality. The increase obtained by a Texan farmer from two pigs amounted to forty in ten months, and this is a fair example of the multiplication of stock. To prepare hogs for market, they should be taken from the woods in autumn, when fattened by the wild nuts, or mast, and fed for a few weeks on Indian corn, which imparts solidity to the flesh and whiteness and firmness to the

lard. Without this preparatory feeding the flesh will be soft and oily, and hard to keep, though not deficient in flavour for present use.

There will always be a large consumption of beef and pork, together with butter, milk, lard, and poultry, in the towns, and among the lowland planters, who restrict themselves chiefly to the cultivation of cotton and sugar. A ready market offers, also, in Louisiana, besides the demand that will arise in Mexico, Cuba, and the West India Islands. All the Indian corn and other bread stuffs will, for a long period, be consumed in the country, and obtain a profitable sale there, owing to the great influx of emigrants. Settlers with small capital usually sell the oxen, which are serviceable for draught, and retain the cows, so that in a very few years they have, in stock alone, ample means of rustic independence.

It has been said, and not without reason, that it will cost more to raise a brood of chickens in Texas than an equal number of cattle. The one is feeble and dependent, and confined to the precincts of the house; its natural means of sustenance are soon exhausted, and it must be protected and provided with food. The others range abroad, are nourished and defended by their respective dams, feeding on the untilled and ungarnered harvests of nature, and are very soon competent to protect and support themselves.

Although horses thrive well on the natural pastures, they will, if worked hard, require some grain. The district of the Lower Brazos is reputed to be unfavourable to the health of these animals, owing probably to the numbers of insects in the summer. The wool of

the Mexican sheep is of an inferior quality, but this may be attributed to neglect in breeding and to the predominance of prickly shrubs in the plains where the flocks of the interior feed. The flesh of the sheep reared in the northern and western parts of Texas is tender and well flavoured, and the skill and industry of the Anglo-American farmer will soon effect an improvement in the fleece. Mr. Flower, an English agriculturist, who settled, in 1817, on the prairie lands of Illinois, by the introduction of Merino and Saxony rams, produced, from the descendants of the country ewes, fleeces of as fine wool as those of the original imported stock. A few flocks of sheep have been introduced lately into Texas, and by their rapid increase, rich fleeces and delicate mutton, show that they will remunerate the owners. One flock which had been driven as far into the interior as Austin, appeared with their lambs in good condition in the month of January, many of them being fit for the butcher. Goats multiply rapidly, requiring no other attention than what is necessary to prevent them from becoming wild, and to protect them from the wolves in the distant settlements. The prairies are burnt over twice a year; in mid-summer and about the opening of winter. Immediately after the burning, the grass springs up, so that there is a nearly constant supply throughout the year. It is a common saying of the inhabitants, that, in the cold and stubborn North, man lives for the beast, but in Texas the beast lives for man. A climate that almost renders house shelter unnecessary, and a soil that approaches to the character of an ever-abundant meadow, warrant the observation. Artificial grasses have been beneficially

introduced in the prairies of the Western States, and there is no reason to fear that they would fail in Texas, where the most luxuriant *gramina* are indigenous. Live stock, with cotton and sugar, are destined to form the great staples of the country. Cattle, horses, and mules are driven from Eastern Texas over-land to Natchez, Natchitoches, and New Orleans, at a trifling cost, as grass is plentiful, and the drivers carry provisions, shoot game, and "camp out."

The most healthy and pleasant portions of Texas are in the region of Nacogdoches, the rolling country between the Brazos and the Colorado; southward and westward of the latter river—high up on the Brazos and its branches, to "Robertson's colony," and in "Beale's Grant" near the Rio Grande. The new administrative divisions of the Republic keep pace with the progress of the settlements, and the extension of Counties being coincident with the spread of population, the boundaries of thirty-two were defined by law at the close of the Session of Congress in the spring of 1840. Commencing eastward from the Sabine on the Gulf of Mexico, I shall notice those characteristics of the several Counties that are calculated to interest the emigrant pausing upon the choice of a "location."

JEFFERSON COUNTY is an almost uniformly level plain, with a strip of timbered land at the north, between ten and fifteen miles in breadth, extending across the county. The remainder of the surface is open prairie, a large proportion of which is wet. Towards the western boundary, near the Neches river, and in the middle section near the eastern boundary, the soil is

excellent, consisting of a black sandy loam, resting upon a bed of yellow clay intermixed with sand. Elsewhere the soil is comparatively poor, and better adapted to grazing than tillage. The swampy tracts which disfigure this district are very well adapted to the cultivation of rice. Throughout the whole extent of the county the Neches is navigable.

The land upon the Sabine, for two hundred miles from its mouth, is generally of an inferior quality, with the exception of the "bottoms"* upon the river and its tributaries, which are sometimes rich and extensive. A lofty growth of valuable pine, with occasional breaks of prairie, usually crests the uplands. The bottoms are suited to the cultivation of Indian corn, cotton, and sugar, and the uplands afford good pasture. The lands on the tributary creeks are of a like description.

JASPER COUNTY is undulating at the south and hilly at the north, with one or two elevations at the northwest, dignified with the title of mountains, though only two or three hundred feet in height. It is a wooded region, destitute of prairies, and is one of the poorest counties of Texas. It contains, nevertheless, many extensive tracts of excellent land; one of these known as

* The term "bottom" is used throughout the West to designate the alluvial soil on the margins of rivers, usually called "intervals" in the eastern States of the Union. Portions of this description of land are overflowed for a longer or shorter period, when the rivers are at their height. The surface of the alluvial bottoms is not entirely level. In some places it resembles alternate waves of the ocean, and looks as though the waters had left their deposit in ridges, and retired. The land which is capable of present cultivation and free from the lodgment of the waters, has a soil of inexhaustible fertility.

"Bevil's Settlement," about thirty miles from north to south, and twenty from east to west, is not surpassed by any land in the world. It is surrounded on every side by "pine barrens,"* and appears like a garden in the desert. It is covered by a lofty growth of magnolia, oak, ash, hickory and some pine, with a short undergrowth of cane. In the eastern part of the county the soil is generally good, consisting of a shallow layer of black mould resting upon a layer of reddish loam blended with sand. In the middle and western parts, at a distance from the streams, the soil is quite sandy. The valleys of the Neches and the Angelina (the only navigable rivers of the county) are subject to overflows to the distance of from one to three miles on each side, and are very fertile—the layers of black mould being in many places from two to three feet deep, yielding excellent crops of maize, sugar, and cotton. The county is remarkably favoured with springs and numerous small streams of wholesome water.

SABINE COUNTY closely resembles the adjoining county of San Augustine. The whole surface is gently

* Lands partaking of the character both of the forest and the prairie are termed "barrens," or "oak openings." The surface is generally dry, and less even than the prairies, and is covered with scattered oaks, interspersed, at times, with pine, hickory and other forest trees, mostly of stunted and dwarfish size, but springing from a rich vegetable soil, eminently adapted to agricultural uses. The turf is grassy, seldom encumbered with brushwood, but not unfrequently broken by jungles of gaudy flowering plants and dwarf sumach. Landscapes of surpassing beauty are found among the "barrens," and emigrants need not hesitate to settle on them, wherever wood barely sufficient for present use can be found, as these lands, after the burning of the grasses, produce timber with a degree of rapidity of which the inhabitants of the North can form no conception.

undulating, and generally supports a heavy growth of timber. Dogwood abounds in the western section, beach in the eastern, and pine in the middle, and there are also large quantities of hickory, ash, elm, and cotton-wood. There are two or three small prairies in the western part.

The western section is very fertile, being of like quality with the "Red Lands," so called from the colour of the soil, which is reddish brown or chocolate, caused by the presence of oxide of iron. The Red Lands extend from the Sabine, near Gaines Ferry, to the Trinity, near the crossing of the old San Antonio road, and up these rivers almost to their sources. They embrace a section of country more than a hundred miles square, and are admirably adapted to all the purposes of agriculture. The other parts of the county are generally light and sandy. There are, however, many productive and extensive tracts in the south-western division, near the Sabine and on the Palo Gacho Creek. The Sabine is navigable; the remaining streams, of which the Palo Gacho is the principal, are small, with wholesome and agreeable waters.

San Augustine County lies almost entirely within the elevated undulating region of Texas, and is nearly woodland throughout. Its soil, with few exceptions, appertains to the tract called the "Red Lands," and yields abundant returns of cotton, maize, rye, oats, potatoes, and most culinary vegetables. In the south-eastern part a few sandy ridges support a thin growth of pine. Dispersed throughout the county are some small prairies, the soil of which is uniformly a rich black mould.

The Ayish Bayou, which derives its name from an Indian tribe that formerly lived upon its banks, is the principal stream of the county of San Augustine. The bottoms on this river and on the Attoyac are extensive and fertile, and the uplands of good quality. These streams, supplied by the best springs, are never-failing, and afford valuable water power.

SHELBY COUNTY is diversified in aspect and soil, the southern portion being generally undulating, the northern and middle portions distinguished by hills of easy elevation. The western section comprehends a few small prairies, exclusive of which the county is woodland—dogwood, pine, hickory, ash, elm, and beech predominating in the southern part, pine in the northern and middle. The extensive hickory uplands of the north are of an excellent quality; in the middle are many poor, sandy ridges, thinly grown with pines: the southern division is crossed by alternate ridges of a soil resembling the Red Lands and a grey-coloured soil resting upon a bed of dark red clay, both remarkably rich and productive. The soil of the prairies and of the broad plain of Tanaha Creek consists of a deep black loam.

HARRISON COUNTY, in its general features, resembles Shelby county. The land on Lake Soda and the streams is rich and well timbered, and affords some of the most desirable situations for settlement.

RED RIVER COUNTY has a moderate inequality of surface, in many places agreeably varied by low, gently-sloping hills and broad valleys. The prairies are few,

and in general small: the largest is the Sulphur Fork prairie, which is above one hundred miles in length, and eight or nine in breadth. Dense forests extend over nearly all the remaining surface. The "hickory uplands" near the southern border of Soda Lake constitute one of the most beautiful and productive sections of the Republic. The elevations in this part frequently rise from 100 to 200 feet above the surface of the lake.

Nearly the whole of the northern and middle portion, including two-thirds of the county, consists of arable land of the first quality. With the exception of the land bordering on the Sabine, which is excellent for tillage, the southern and south-eastern parts are sandy, and chiefly adapted for pasturage. In the northern and middle sections, most of the land is capable of yielding crops averaging, of Indian corn, seventy bushels, and of the common potato, 500 bushels to the acre.

The woods contain almost every variety of American oak, except live oak, together with pine, walnut, ash, hackberry, elm, pecan, and sassafras; the undergrowth comprises spice-wood, red bud, and wild peach.

Fannin County, in common with that previously described, is situated on the Red River. Its lands, also, are good, and particularly adapted to the cultivation of cotton and Indian corn, and the raising of stock. The Red River bottoms and the uplands are equal to the best soil in Texas. Both these counties are pretty thickly settled. The Cross Timber extends across the extremity of Fannin County, near Mineral Creek, where the soil is very fertile and the trees large and tall. A considerable portion of the county is prairie. The land upo

Bois d'Arc Creek, which separates Red River and Fannin Counties, is rich, well-timbered and well-watered, but the stream is not navigable.

Nacogdoches County, an extensive section of the former Mexican department of the same name, presents an undulating surface of woodland, with some pine hills, near the centre, and but little prairie. The Neches, Angelina, and Attoyac rivers afford rich black bottoms, and their tributaries large tracts of hickory uplands of a red and mulatto colour. North and south of Nacogdoches there is a considerable breadth of pine timber, the openings among which are sandy and barren. The soil is generally well adapted to the growth of cotton, the vine and other productions usually found in the same latitude. This county possesses many commercial facilities, is blessed with a dry, elastic atmosphere, excellent water, and springs applicable to medical uses. The saline springs, near the sources of the Neches, are capable of supplying all Eastern Texas with salt.

The Red Lands about San Augustine and Nacogdoches contain some of the most populous settlements in the Republic, and corn and cotton are extensively cultivated. The country watered by the Sabine and the Neches, with their branches, is much superior to the State of Louisiana in point of fertility; it is well adapted both to tillage and pasturage, and the streams afford ample facilities for conveying the produce to market. An extensive timber trade may be carried on in the pine districts, as suitable mill sites may be obtained in every quarter.

HOUSTON COUNTY is a prolonged series of gentle undulations, overshadowed by an almost continuous forest. Near the Trinity are a few small prairies, the largest of which (Mustang) is of a circular form, and about two miles broad. The soil is generally good, and of a mulatto colour, rather sandy near the Neches, but excellent near the Trinity; some of the finest arable lands are found on the hickory uplands of the northern and central parts. The air is pure, the water good and abundant, and the forests contain a great variety of timber, including black walnut, linden, hickory, "black jack," almost every species of oak, elm, and, in the southern and eastern sections, immense quantities of the best description of pine.

On lands not far from the Trinity, in this county, wheat has been harvested in the beginning of June; adjoining which were rich fields of cotton, maize, tobacco, rye, oats, barley and potatoes, both sweet and common. Stock are raised fifty per cent. cheaper here than in the United States. Farms may be had in this district at from two to five dollars an acre.

LIBERTY COUNTY is level at the south, but gently undulating at the north. The northern division is almost a continuous forest; the southern, near the gulf, is an open, grassy plain, destitute of trees; the middle comprehends many extensive prairies, intersected by narrow lines of wood, bordering the numerous small streams and bayous. The general character of the soil is light and sandy. In the southern portion, it consists of a thin layer of black mould, resting upon a bed of sand and shells. In the middle and northern parts, the

layer of black mould is usually a foot or eighteen inches deep, and the substratum of sand and shells gives place, in many extensive tracts, to a layer of yellow loam. Near the Trinity, the soil is generally rich and productive, but liable to inundation. The southern portion is best adapted to grazing; the uplands of the middle and northern parts contain some of the best cotton lands in Texas. Post oak, white oak, red oak, cypress, and pine, abound in the middle and northern sections.

The only stream of importance is the Trinity. Old river, which enters the Trinity a few miles above its mouth, runs through a low marshy country, with heavy timbered bottoms, the soil of which is well suited to the cultivation of sugar, cotton, or Indian corn, and affords an unbounded range for cattle. The country, for ninety miles above the bay, is generally low prairie, with occasional patches of woodland; the bottoms are wide, fertile, and well-timbered. The lands on Kettle Creek, which enters the Trinity from the east, are poor, with the exception of the bottoms, which are wide and rich, with a thick undergrowth of cane. From the mouth of this creek to the old San Antonio Road, on the east side of the river, the country is a "pine barren," extending nearly to the Neches. On the west side of the river, the landscape presents a different aspect. Immediately above the town of Liberty commence a series of beautiful undulations, diversified by woodland and prairie, which stretch out to the San Jacinto. Above the old San Antonio Road the lands, on both sides of the Trinity, are rich, well-timbered, and watered to its source. This river flows through the district occupied until lately by the Cherokees and their associate bands,

and consequently unsettled. It is all heavily timbered, with here and there a small prairie, and abounds in springs and running streams.

Several fine salt-springs have been discovered, from which the Indians manufactured considerable quantities of that indispensable commodity. Eighty miles above the old San Antonio road the prairie again commences—rich, rolling, and beautifully interspersed with timber; the land continues to wear the same appearance until the head waters of the Trinity are lost amidst the leafy shades of the Cross Timber.

The settlements on Red River approach within less than a hundred miles of those on the Trinity, and they will not long remain disunited. A great proportion of this county is composed of a rich red soil, similar to that of San Augustine and Nacogdoches. The remainder is a strong black mould, with a basis of clay.

Galveston County, formerly included in the counties of Liberty, Brazoria, and Harrisburg, comprehends Galveston Island, Bolivar Point, and a section of land westward of the bay, intervening between Highland Creek and the mouth of Clear Creek. Galveston Island, situated at the entrance of the bay, is above thirty miles in length, with an average breadth of between three and four miles. A sound, about four miles wide, and from four to eight feet deep, divides it from the main land, to which it runs parallel. The island is destitute of timber, with the exception of three large live oaks near its centre, that serve as land-marks to the mariner. The soil, which is favourable to vegetation, is light, porous, of a darkish-grey colour, and towards the beach largely

intermingled with sand. Opposite a gentle curvature of the island, on the bay side, is Pelican Island, a level, sandy tract, several hundred acres in extent. Bolivar Point, situated at the southern extremity of Liberty county, is a long, low, naked tongue of land, surmounted at its extremity by the remains of an old fort, consisting of a few embankments thrown up in a quadrangular form. The ruins of a fortress, said to have been constructed by Lafitte, the celebrated "pirate of the gulf," are pointed out at about two miles from the eastern extremity on the western shore. The sea breeze on the island is delightfully refreshing in summer. The shores of Galveston abound in oyster-beds and excellent fish, and its prairies, in winter, are the resort of immense flocks of wild fowl.

HARRISBURG COUNTY is remarkably level at the south, and gently undulating at the north. The streams and the northern coast of the bay are lined with forests; the remainder of the county, comprising nearly four-fifths of its surface, is open prairie. Within ten miles of the coast the soil is rather poor, consisting of a thin layer of black mould resting upon a bed of sand and shells. At the central and northern parts, the layer of black mould is, in many places, three or four feet deep, and the substratum is composed of sand and shells, alternating with deep beds of reddish loam. The western section contains some of the finest land in this division of Texas. Cotton, maize, oats, and potatoes are produced in abundance. Two crops of potatoes are frequently raised, affording, it is alleged, eight hundred bushels an acre in one year.

The principal streams are the San Jacinto, Buffalo Bayou, Spring, Cedar, and Clear Creeks. Pine predominates in the forests bordering the San Jacinto, Buffalo Bayou, and their numerous branches. There are also great quantities of cypress, magnolia, cedar, black oak, white oak, red cedar, and a tree called Spanish oak, so much resembling live oak, as to be frequently mistaken for it. Large revenues will eventually be derived from the immense quantities of valuable timber contained in the forests of this county.

The land on the tributaries of the San Jacinto, like that on the river itself, is fertile, and calculated both for pasturage and agriculture. The bay of San Jacinto is surrounded by rich land, with many picturesque sites. Salt is obtained at a spring situated at Cedar Point, at the mouth of the bay. Cedar Creek flows through a fertile prairie country, of which the bottoms are well timbered. There are several beautiful islands in the bay, which, at a moderate outlay, might be rendered very desirable for private residence.

From the mouth of Buffalo Bayou to Houston the land is of good quality, but very low and muddy in winter. Several steam saw-mills built upon this stream furnish large quantities of lumber. A few miles above Houston the bayou divides, and diverges into the broad prairies, and having little timber to shelter it, becomes almost dry in the summer. A level prairie extends above thirty miles westward of Houston, the soil of which is a thin mould resting upon a light-coloured clay, chiefly applicable for grazing purposes. There are, however, occasional woodlands and streams, with fertile tracts in their vicinity.

MONTGOMERY COUNTY has a range of high hills extending across its northern section: the central and southern sections partake of the superficial character of the undulating region. The streams are skirted with broad belts of timber: the other parts of the county are small prairies, embellished with insular groves, except the north-eastern portion, which is almost entirely woodland.

The soil of the bottoms is generally a very rich black mould, often four or five feet deep. On the northern ridges there is a scanty growth of post oak, pine, and "black jack." The prairies of the southern and central sections afford excellent pasture.

The San Jacinto river rises in this county, and flows, in a south-easterly direction, through a country agreeably diversified with valuable woodlands and fertile prairies. The woods are of post, red and white oak, magnolia, cypress, ash, hickory, elm, pecan, mulberry, and "short leaf pine," with, in many places, a dense undergrowth of cane. Immense quantities of excellent building timber cover the section between the San Jacinto and Lake Creek.

The population of Montgomery county is rapidly increasing, and promises to be ere long one of the most closely settled sections of the Republic.

ROBERTSON AND MILAM COUNTIES, which lie contiguous and have similar features, include a territory sufficiently large to form a respectable Federal State. As population extends, new counties will be formed within their limits.

They contain an immense quantity of valuable tim-

ber on the streams and uplands, and are well supplied with springs and rivulets. The district generally presents a gently undulating surface; but, towards the north-west, there is a hilly ridge of considerable elevation. The principal forest trees are white, post, red and Spanish oak, pecan, cotton-wood, ash, elm, black walnut, and holly.

The soil of these counties is of the best quality, and is capable of affording a great variety of produce. The crops of cotton and Indian corn are excellent, and potatoes, common and sweet, of a superior kind, are yielded in abundance. There is a profusion of indigo of spontaneous growth, which unquestionably might be cultivated with advantage. This portion of Texas will be one of the finest grain-growing countries in the world. For rye and oats it cannot be surpassed; and ten bushels of excellent wheat have been raised from one peck of seed. There is an ample range of nutritious pasture, and every facility for rearing cattle. Vast herds of buffaloes frequent the northern and western sections.

In their "weed prairies," the counties of Robertson and Milam possess a characteristic of the soil peculiar to themselves. These prairies, unlike most of those in other localities, are covered with a thick growth of weeds instead of grass. These weeds are generally from ten to fifteen feet high, and so dense that they are almost impenetrable to man or horse, resembling in some respects, the cane-brakes of the alluvial region. The settlers highly estimate the productive power of the weed prairies. The soil is chiefly of a light mulatto colour, and remarkably fertile. In order to prepare it for cultivation, it is only necessary to beat down and burn the

weeds, after which the soil is in a condition to receive the seed, being almost as loose and friable as a bed of ashes. In planting these prairies, the plough is seldom used, but, instead of it, the settlers apply a large spiked roller, usually formed of a log, with harrow teeth placed at intervals, so as to form holes when dragged over the ground. Into these holes the Indian corn is dropped, and then covered slightly with earth, which is generally "kicked" over it. The seed thus rudely and carelessly planted soon throws up vigorous blades, which require no farther attention until harvest, except light hoeing. The crop raised in this fashion is said to average fifty bushels an acre.

The principal rivers are the Navosota, the Little Brazos and the Brazos. The Navosota, although it has a course of one hundred and fifty miles, is a small stream, which may at some expense be rendered navigable by keel boats for forty or fifty miles. Its waters are clear and wholesome—its bottoms rich and extensive, and rarely inundated—its whole course is through a prairie country, containing large groves of timber, suitable for fuel, building, and the purposes of agriculture.

The country, watered by the Little, or San Andres Rivers and its tributaries, has a general uniformity in quality and appearance. It is pretty equally divided between woodland and prairie; the bottoms on the streams are extremely rich and beautiful, the water pure, and the uplands of the highest order of fertility. Its prairies enjoy an almost perennial bloom of flowers, and even the wild Indian hunters have been so captivated

by its attractions, that they have named it the "Land of Beauty."

The Little Brazos runs parallel with the main stream of the Brazos for about seventy miles; the distance between them varying from three to six. Rich timbered bottoms cover the space between the two rivers, but east of the little Brazos, the prairie and wooded upland approach to the margin of the stream, affording the most eligible locations, while the bottoms furnish timber, with an unbounded range for cattle and hogs.

The country towards the source of the Rio Bosque is beautiful, and the land fertile and well timbered; but, towards its mouth, it flows through an extensive prairie, almost destitute of wood. The land upon Nolan's river —a red muddy stream, which rises in the prairies above the Cross Timber—is good, and well wooded in its lower section. The Red Fork, which has its source near the Red River, rises in the forests, but passes through a prairie country for the greater part of its course. The waters of this stream derive from a soil impregnated with oxide of iron the red colour with which they tinge the Brazos.

Below the mouth of the Palo Pinto is a mountain about six hundred feet in height, called the High Peak; near this place the Cross Timber extends beyond the Brazos, in a south-westerly direction, to the Colorado.

The land upon the Tahcajunova and its tributaries is rich and well timbered. The Incoque, a large branch of the Brazos, has almost its entire course through a prairie country, diversified by some scattered musquit trees, with a fringe of timber upon the banks and an occasional grove of post oak. Fifty miles above the

mouth of this river is the Salt Lake of the Brazos, above twenty miles in length, and from six to seven in breadth. The salt, which crystallises at this place in great abundance, will supply the wants of the future settlers on the Upper Brazos and the Colorado, and during high water, may be floated down the former river to the falls.

A bed of coal more than a mile in length, extends across the Brazos, and ramifies towards the Little Brazos and the San Andres, from which it may, without much difficulty, be transported downward at high water. In the district around the San Andres and its tributaries, white marble, granite, and blue and grey lime-stone have been discovered; lead, copper, and iron enrich the mountains where these streams have their sources.

Brazoria County is a uniformly level plain: for ten miles from the coast an open prairie destitute of trees; in every other part, diversified by forests of live oak, which border the streams that intersect the prairies in every direction.

With the exception of the tract on the coast, which, though thin and sandy, is suitable for pasturage, the soil is characterized by extraordinary fertilty. It consists of a deep black mould, resting upon a substratum of red loam, in many places from ten to fifteen feet deep, and totally free from stones. Indeed, unless introduced from a distance, there is hardly a stone the size of a pebble to be found in all this district. Cotton and Indian corn are extensively cultivated and yield large returns, culinary vegetables thrive well, and the increase of horned cattle, which pasture in the prairies and woodlands during the whole year, is astonishing.

Many parts of the Lower Brazos are pronounced unhealthy; yet some of the wealthiest planters of Texas reside there. The water is not considered wholesome, unless boiled or filtered; rain-water, which is preserved for domestic use, has been found to contribute to the preservation of health.

Around Galveston Bay and the Brazos are great quantities of game; herds of deer at all times, and flocks of wild geese, swans, brant, ducks, &c., in the winter. Excellent fish also may be taken in abundance, and with little trouble, and the coast can hardly be surpassed for oysters, whether as regards quality or quantity. A succession of small lakes, named Cedar Lake Creek, is surrounded by a forest of cedar, producing very valuable timber, long, straight, and free from knots.

The Brazos is navigable for large steamers throughout the county, and the San Bernard and Caney by small boats for thirty or forty miles. The district watered by the San Bernard and Caney is of exuberant fertility. Towards the source of the former river there is an equal distribution of woodland and prairie. The lands upon old Caney are deemed by some superior to those on the San Bernard. The bottoms extend from stream to stream, and there is not an acre of poor land in all this section. Its woods are of cedar, live oak, pecan, &c., with a thick undergrowth of cane. It combines more advantages for planting than any known portion of the globe. Planters of acknowledged veracity state that it is not uncommon to pick 4000 pounds of seed cotton from an acre of ground. Sugar would be equally productive: from fifty to seventy bushels of Indian corn are raised to the acre, and cattle and swine

are reared so easily that the expense of labourers' food is merely nominal. Lands can be purchased at from three to seven dollars an acre in this locality, which is, at present, the principal cotton region of Texas.

AUSTIN AND FORT BEND COUNTIES (formerly Austin County) are uniformly level at the south, but gently undulating at the north. The surface is open prairie, except on the margin of the streams, the smallest of which are lined with forests, from a few rods to three or four miles in width. The trees are chiefly white, post, red and live oak, pecan, cottonwood, ash, elm and holly.

The soil of the northern and eastern divisions is excellent; towards the west, and south-west, it is somewhat sandy, and much less productive. Between the San Bernard and the Brazos is an immense open prairie, better adapted to pasturage than tillage. The undergrowth of the best land in the Brazos Valley is cane and the species of laurel called "wild peach." A settler wishing to describe his farm as first-rate, will say it is all *peach and cane land.*

There is a considerable number of inhabitants in these counties, some of them from New England, but the greater proportion from the Western and Southern States of the Union.

WASHINGTON COUNTY has an undulating surface, diversified by occasional hills of a moderate elevation and smoothly rounded summits. In the north-eastern section are ample forests, embracing numerous small prairies. In other parts of the country the prairies are large and interspersed with "islands" of wood.

The bottom lands of the streams are composed of a deep rich loam, resembling most of the soil of the Brazos Valley. The soil of the numerous prairies is generally rich and mellow, and of different colours, dark-grey, red, and chocolate. Both bottoms and prairies yield a thick mat of grass, and are well adapted for pasturage. Indian corn, cotton, potatoes, rye, and oats are the chief productions; wheat, sugar cane, and indigo would, it is believed, do well, and the cultivation of a variety of vegetables and fruits has been tried with success.

The Brazos and Navasota Rivers, and Yegua, New Year's, and Caney Creeks are the principal streams. The Brazos in this county is about eighty yards wide, but is obstructed by falls, or rapids, for a part of its course. Above these falls it is said to be navigable for vessels drawing three feet of water. These streams, some of which have excellent mill sites, are fed by innumerable springs of sweet and wholesome water.

MATAGORDA COUNTY, with the exception of a slight undulation at the north, is level. The smaller streams are bordered by narrow belts of timber, the Colorado and Caney by forests, extending in many places six or seven miles on either side. The remainder of the county, comprehending more than two-thirds of its surface, is open prairie.

This is one of the most productive counties of Texas; the general character of the soil being a very deep, rich, black mould, reposing on a bed of reddish loam destitute of stones. The soil on the Caney is of a mulatto colour —light and friable near the banks, but clammy and ad-

hesive adjoining the prairies. It is noted for its singular fertility; in no part of the Republic are there larger crops of cotton, maize, sugar, and potatoes. The American Aloe grows luxuriantly on the numerous shell banks near the coast.

Matadorga Bay is surrounded by a prairie country interspersed with groves, consisting of live oak, cedar, ash, pecan, and hackberry. The tract bordering on the Colorado is pleasant, fertile, and healthy, and many causes unite to make it one of the most desirable portions of the Republic. The lower section cannot be excelled for planting purposes, and the central and upper sections are admirably adapted for pasturage and the rearing of hogs and cattle. Veins of gold and silver exist in the mountains, and quarries of granite and limestone may be opened in many places. Coal and iron ore abound upon the river.

Colorado and Fayette Counties are more rolling and better watered than Matagorda county, and present agreeable changes of scenery. The land is fertile, consisting in part of a deep black mould, intermixed with sand. At Egypt, a wealthy and respectable settlement, situated at the crossing of the old San Felipé and Victoria road, sugar has been successfully cultivated. Indigo grows spontaneously, and several varieties of excellent grapes abound in the forests skirting the streams. The sweet and common potato yield immense crops of the best quality, and maize, cotton, wheat, rye, and oats are well adapted to the soil. A species of rooted bulbous grass grows upon the prairies, and furnishes ample and welcome provision for swine.

Cummin's Creek flows through a country equally divided between woodland and prairie, and has rich and extensive bottoms supporting a growth of post, black, red, and live oak, pecan, cedar, cottonwood, elm, and hackberry. On the banks of the creek are some excellent stone quarries.

On the lower side of Buckner's Creek, in Fayette County, rises a "bluff" above 300 feet in height, and on the side towards the river almost perpendicular. There are springs upon the summit forming in their descent a picturesque cascade, the vicinity of which abounds in limestone spar. The plain, on the crest of the mount, is of great beauty, and commands a magnificent prospect of wooded and flower-spangled prairies, winding streams, dusky forests, and distant mountains. The land upon Buckner's Creek is very rich, and sufficiently timbered for agricultural purposes.

In its course through these counties, the Colorado is a deep and rapid stream, about one hundred yards wide; its banks are seldom overflowed.

The Counties of Bastrop and Travis (formerly Bastrop) resemble in the lower section Colorado and Fayette. A vast chain of prairie, extending from the western bank of the Colorado to the mountains, is inferior to no part of Texas in beauty of aspect and fertility of soil. The bottoms on the eastern side are about four miles in width. The Colorado bottoms differ much from those of the Brazos and the rivers of Eastern Texas, which are always covered with a heavy growth of timber. Many of the richest bottoms of the Colorado are prairie of extraordinary fertility, skirted with wooded

uplands, lying a short distance backward. These elevated uplands are from four to six miles in breadth; in some places, tolerably fertile, but, in general, gravelly and broken. They are the dividing ridges between the Brazos and the Colorado. The land upon Cedar Creek is prairie, with the exception of the bottoms, which are narrow and covered with cedar. Upon Walnut Creek the land is generally good, but, occasionally, broken and hilly. The hilly portion is timbered with white, red and post oak, pine, and cedar. A large proportion of the country through which Walnut Creek flows is prairie. Beauty and fertility characterise the course of the pure waters of the Rio Blanco.

Barker's, Walberger's, and Walnut Creeks, rise in hills on the eastern side of the Colorado, at a distance varying from two to five miles. The lands between the hills and the river afford the most eligible situations for settlement, whether as regards the beauty of the scenery, the fertility of the soil, the excellence of the water, or the purity of the air. Onion Creek flows through a fine rolling country of mingled prairie and woodland: about ten miles from its mouth there is a grove of the best description of cypress, to the extent probably of six thousand acres. There are, besides, cedar, live oak, black walnut, white, red, and post oak, hackberry, mulberry, wild peach, &c. There is an excellent opening at this place for a saw-mill and lumber trade. Just above La Grange, on the eastern side of the Colorado, about four miles from its bank, is a grove of excellent yellow pine, from two to four miles in width, which extends above the town of Bastrop, where are three steam saw-mills, that supply timber to the adjoining country.

On the eastern border of the Colorado, about four miles below a range of high lands, named the Colorado Mountains, is the infant city of Austin, the capital of Travis County, and the seat of government of the Republic of Texas. The most elevated of the hilly range above Austin is not higher than six or seven hundred feet, and the chain does not extend farther than about thirty-five miles. The hills contain extensive quarries of marble, limestone, and granite, and will, for many years, supply the adjoining country with timber. They are intersected by fertile and pleasant valleys, watered by crystal springs and perennial streams. The pasturage of wild rye and musquit-grass is exuberant, and there is an ample proportion of land for profitable cultivation. These hills are of soft acclivity, and on the summits of some are tracts of table-land, well adapted to the culture of grain, the vine, and different sorts of fruit. From the top of the peak called Mount Bonnell, which overlooks Austin, there is a perpendicular fall of seven hundred feet to the bed of the Colorado, and the prospect around is one of the loveliest in nature. Although these hills have not been scientifically explored, they are known to contain valuable metallic ore, with quarries of marble, limestone, granite, and beds of gypsum and anthracite coal.

The Agua Fria rises in the Valley of Flowers, which contains above ten thousand acres, about a third prairie, and the remainder woodland. Manufacturing establishments might be formed with advantage in this charming valley.

The Piedernales River flows through a district almost entirely elevated table-land; its banks are very steep,

and its bottoms not exceeding from one to three hundred yards in width. These bottoms are covered with a thick growth of cypress, and are bounded by perpendicular rocks, frequently three hundred feet in height. Ascending the rock from the cypress bottom, there appears an extensive sweep of rich musquit prairie, abounding in musquit timber, with insulated groves of live and post oak and cedar. This land would produce cotton and sugar, and is admirably adapted for grazing and the culture of small grains.

About twenty-five miles from the Colorado, on a north-western branch of the Piedernales, is a rock, considered one of the natural curiosities of Texas. It is about two hundred feet high, of an oval form, and half embedded in the soil. It is composed of parti-coloured flints, and reflects the sunbeams with great brilliancy. A spring gushing forth near its summit sprinkles its sides with water. Owing, it is supposed, to the presence of some phosphoric substance, it wears an illuminated aspect on dark nights. This rock is held sacred by the Indians, who visit it at stated periods, for the purpose of paying homage to the Great Spirit, after their wild and primitive fashion.

On the Piedernales, and throughout the hilly country, every hollow tree is filled with bees.

The Llano River flows through an undulating country, well watered, and suited to farming and grazing. The San Saba River, which, through its whole course of about two hundred miles, runs between high-land ranges, waters a valley extending from six to twenty-five miles. Timber is abundant, and for the European

settler there could hardly be selected a more captivating spot.

About thirty miles from the mouth of the San Saba there was once a Spanish Mission and fort, the destruction of which is thus recorded in Mexican tradition:—

Prosperity reigned at the post, which carried on an extensive trade with the Comanche Indians, and a large revenue was derived from certain silver mines in its vicinity. The mines occupied about one hundred labourers; the post was protected by an equal number of soldiers, and there were some women, who manufactured articles for the Indian trade. At a time when all the soldiers, save about a dozen, were absent on an expedition, the Comanches appeared, under pretence of traffic, and were admitted to the fort in great numbers. At a signal from the chief, the Indians drew weapons concealed under their buffalo robes, and massacred the small guard and the women. The labourers in the mines fled, and were butchered in detail. The priest alone escaped, and by a miracle. The holy man having fled to the Colorado River, the waters divided, permitted him to pass through, and closed upon the pursuing Indians, consigning them to a common grave. After great suffering, the priest reached the Spanish mission of San Juan, at that period the only settlement on the San Antonio River. The absent soldiers, returning in a few days to the fort, where lay the mangled bodies of their companions, found the banks of the Colorado covered with dead Indians, and as they could discern no marks of violence upon them, they pronounced it a retributive miracle, and named the river "*Brazos de Dios*," or "the Arm of God." In the ignorance of after-times, it re-

ceived the name of Colorado, which previously distinguished the red and muddy stream now known as the Brazos. The preceding tradition is devoutly believed by the old Mexicans about San Antonio, and is a fair sample of the monkish legends which in Spanish America usurp the place of rational religion.

JACKSON COUNTY, being situated in the region of the "rolling prairie," has a gently undulating surface. It is an open district, with the exception of the forests that border its streams. The soil is a rich black mould, very deep, upon a stratum of red loam. There is hardly an acre of bad land in all the county. There is a large spontaneous growth of indigo, and the general produce is similar to that of Austin and Brazoria.

The county is well watered by numerous springs. The principal streams are the Navidad and La Baca, which, with their tributaries, flow through a beautiful and fertile country. A very enterprising and industrious community of farmers from the United States have established themselves at a place called "Clark's Settlement," on the La Baca, and under their auspices the locality is rapidly improving. The Carancahua and Trespalacios are small, sluggish streams.

VICTORIA and GONZALES COUNTIES present a continued series of rolling prairies, gently undulating at the south, and swelling into bold acclivities at the north. The streams are generally lined with forests; elsewhere, the country is open, but beautifully relieved by insulated groves of post oak and musquit.

Along the La Baca, Guadalupe, and San Antonio Rivers, the soil is a black, rich and remarkably pro-

ductive mould; between the borders of these streams it is in many places intermixed with sand, which renders it less compact, though not less productive. The crops of cotton, sugar-cane, maize, wheat, rye, oats, and barley are excellent. On the wooded banks of the streams vines grow luxuriantly, and produce a wine considered equal to good Oporto. The forest-trees are live, post, and Spanish oak, elm, ash, black walnut, cypress, musquit, and pine. Between the coast and the town of Victoria good cotton and sugar lands may be procured at from fifty cents to one dollar an acre. It is believed that, with slight improvement, the Guadalupe would be navigable for steam-boats as far as the town of Gonzales, which is situated in the heart of a fertile and healthy country.

Within the last two or three years, new farms have been opened in every direction between the Guadalupe and the Colorado settlements, and have extended considerably above the town of Gonzales; and locations have been made high up on the San Marcos, in a region previously abandoned to the marauding Indian.

Agriculture will flourish on the lands of the San Marcos. The source of this river is girdled by hills, which overlook a valley of singular beauty, affording an eligible site for manufactures. The lands upon Sandy Creek are good and tolerably well timbered. Peach Creek flows through a rich and beautiful district. The Coleto flows through a fine, picturesque country, with sufficient timber for the uses of the settler.

Refugio and Goliad Counties have a generally level surface, imperceptibly ascending from the coast. The prevailing character of the land is open prairie,

spotted with islands of wood. Broad and dense forests flank the borders of the Guadalupe and San Antonio. Towards the south, the woods are of live oak and musquit; northward, of white and post oak, elm, hackberry, pecan, and mulberry.

The soil is the usual rich black mould, on a stratum of sandy loam, most of it admirably adapted to the cultivation of cotton and sugar. The North-western section, where there are a few sandy ridges supporting a thin growth of post oak and black jack, is better calculated for pasturage than agriculture. The whole of the back country affords a magnificent range for cattle. The land upon Aransaso Bay and its tributaries is equal to any in the country for the production of cotton and sugar. A light kind of tobacco was formerly cultivated in this district by the Mexican inhabitants.

About ten miles below Goliad the San Antonio is navigable by small steam-boats. The Refugio, Aransas, and Chiltipin, are small but partially navigable streams. Aransas Bay abounds in turtle and every variety of fish found in the Gulf of Mexico; the islands of the bay and the neighbouring prairies are the winter resorts of multitudes of wild fowl. Droves of wild horses and herds of deer browze upon the prairies, and the forests are stocked with the wild turkey and a species of grouse.

The County of Bexar comprehends an extensive section of the Mexican department bearing the same name, besides an immense tract beyond the boundary of Texas Proper. It is a country of rolling prairie, intersected by hills towards the north and west, above the

town of San Antonio. Save on the streams, which are generally fringed with forests, the country displays an open landscape, with scattered clumps of musquit and post oak crowning the summits of the undulating grounds.

The soil generally consists of a sandy loam, exceedingly productive. Some tracts, under a rude cultivation for nearly half a century, seem to have lost none of their original fertility. Irrigation may easily be directed over an immense surface capable of yielding abundant crops of cotton, sugar, tobacco, indigo, maize, wheat (of good quality), rye, oats, millet, beans, and various culinary vegetables. The vine and the olive, and indeed most of the products of the temperate zone, may be cultivated with success, and there are several kinds of excellent fruit, especially figs, which are reputed to be the best in Texas. The ever-verdant musquit-grass carpets the whole district with the best pasturage. The nopal is of frequent growth, and forms impenetrable hedges, eight or ten feet high, to the extent of several acres. Sheep may be reared with advantage in the high lands and their vicinity—indeed Spain herself has not a more congenial climate, walks more ample, or furnished with a more suitable herbage for the support of that valuable animal.

The live oak predominates in the forest; the pecan, bearing delicate nuts of unusual size, is plentiful; cypress is found on the Medina; there are also red and post oak, and every part is sprinkled with musquit, which yields a valuable gum.

Limestone abounds in this district; flint and several varieties of sandstone are found on the San Antonio and

Cibolo. There are also numerous beds of gypsum. On a bank of the San Antonio, fifty miles from the sea, a deposit of marine shells of a new species has been found imbedded in the alluvion. Near the Cibolo, just below the crossing of the Gonzales road, are the white Sulphur Springs of Bexar, celebrated for their medicinal qualities. The water boils up from the bottom of a large basin in the solid rock, and flows off with a bold current. The environs are beautiful and fertile, and at a short distance is an extensive post oak "barren," sufficiently furnished with game to afford amusement to the lovers of field sports for many years. The largest live oak in any country grows upon the Cibolo. The valley watered by the San Antonio unites all the attractions of a happy climate, charming scenery, and an exuberant soil. Sugar and cotton were once extensively cultivated near the town of San Antonio, but, since the Mexican revolution, the place has lost its remnant of prosperity, owing partly to internal discord, and partly to Indian irruptions.

On the borders of the Medina River the soil is a dark loam, and there is an abundance of wood for fuel. The San Miguel and its tributaries run through an extensive open prairie; the Arroyo Seco rises in a rich and picturesque valley, about twenty-five miles in length, and from four to ten in breadth. The mountains contiguous to this valley are believed to be rich in the precious metals.

The lands on the Rio Frio and its tributaries are fertile, but deficient in timber, of which there is only a light growth upon the streams. The uplands in this section are generally rocky and steril. The Arroyo de Uvalde, a branch of the Rio Frio, has its source at the Cañon de

Uvalde, which derives its name from a Spanish officer who defended it successfully with twenty soldiers against the attack of a large body of Comanches. The valley below the pass is distant about sixty miles north-west of the city of San Antonio. It is about twenty miles long, and varies in width from two to five miles, its greatest length being from north to south. The hills on every side rise abruptly from the bottom of the valley, and present, in many places, perpendicular walls of rock several hundred feet high. At the foot of these hills, numerous springs issuing, form rills which unite near the middle of the valley in a beautiful rivulet, that after meandering throughout nearly its whole extent, at length emerges through a deep gorge at its southern extremity. A narrow belt of woods extends along the margin of this stream, and pretty islets of timber are scattered at intervals over the surface of the valley, forming a pleasing contrast to the open grassy plains of the prairie, and the grey rugged precipices of the surrounding hills. The only passage from the valley towards the north is a narrow cleft in the rocks, about eight feet wide, winding through cliffs 300 or 400 feet high. The path through this cleft gradually ascends, until, at the distance of about three miles from the valley, it opens upon the extensive table-lands northwardly above, and which are apparently illimitable in extent. This narrow pass affords the only convenient path within the distance of many miles, by which the Comanches can descend with their horses to the country bordering the sea-coast. A tradition is current at Bexar that, many years since, a party of Spanish soldiers, who had defeated a company of Comanches, pursued them

through the Cañon de Uvalde nearly to the middle of this pass, when they found the passage completely obstructed by the carcases of four or five dead horses, which these Indians had killed, and, in this manner prevented the further progress of their pursuers. This valley is the great thoroughfare of the Indians. The outlet towards the south is a narrow gorge between the hills, and is about 300 yards wide, affording a passage for the rivulet which flows into the Rio Frio. The rocks of this region consist chiefly of grey limestone, arranged in horizontal beds. The valley will form one of the best situations for a frontier force, as fifty brave men could easily defend the pass at its northern extremity against the united warriors of the whole Comanche tribe. The land is capable of producing the necessaries of life in great abundance.

The country lying between the Leona and the Rio Grande was explored in 1834 by Dr. J. C. Beales and Mr. T. A. Power, who made the following report to the Rio Grande Land Company with which they were associated.

"The banks of the Leona are well-timbered, the stream about fifteen feet wide, with a current of three miles an hour. The soil is a dark rich loam, of the first quality for agriculture. This stream is not more than ten feet below the surface. From the Leona to the river Nueces the lands are of the same description; indeed this section is fertile from the Medina to the Nueces. Where we crossed the Nueces, the stream runs about four miles, and was about fifteen feet in width with frequent windings. The banks of this river are well-timbered and the musquit tree abounds. Three

miles from the river is a pond or lake two or three leagues long and 100 yards in breadth, containing a variety of good fish.

"The lands from the Nueces to the lake are of the best quality, but gradually diminish in fertility, until you arrive at a sandy waste about five miles from the lake. This waste extends, as we have been informed, about fifteen or twenty miles on each side of the road. After leaving the sandy waste, we came to a section of second-rate land, which extends to the Rio Grande, and is almost destitute of wood and water, there being but one pond, and the wood small and bushy, fit only for fences. Water, however, may be procured by sinking, and according to information we obtained, about fifteen feet from the surface. When we came to the Rio Grande, we found the banks of an even character, with but little wood. The river is about 300 yards wide at the pass, with about four feet of water and a current of four miles. Our intention was to have gone down the left bank of the river, to a place called Pallaforce, distant from the pass, say, fifty miles; but, from information obtained from Mr. Egerton (the surveyor of the colony) of the nature of that part of the grant and its bad situation for the first colonists, for the want of proper soil and permanent water, we determined to proceed higher up, and directed our course to Las Moras, a pretty stream gently winding its way through a very pleasant country, a distance of thirty-five or forty miles, where it empties into the Rio Grande. This stream is not more than eight or ten feet wide, about four feet deep, its banks low, and the country on both sides easily irrigated. On this stream we planted the first colonists,

distant about fifteen miles from the nearest point of the Rio Grande. The water here is perpetual, and is never less than three or four feet; the soil is of first quality, with sufficient timber on its banks for the necessary use of building, &c. A few miles below the Villa de Dolores (the name of the settlement) we discovered a very eligible mill site, having a fall of about fifteen feet and abundance of stone. We named it the falls of St. Patrick. About twelve miles north-west of this stream is another called Piedras Pintas; running parallel and northward of Piedras Pintas, is a third which runs parallel to the stream called Sequete. All of these are of similar extent and character, and, from their situation, their contiguity to the Rio Grande, and the richness of the soil, there can be but little doubt of its becoming a fine agricultural country. Where the town of Dolores is laid out, the low level lands are very extensive and capable of being irrigated with little trouble. The soil is a rich dark loam, intermixed with small particles of limestone, of which there appears to be a great abundance, as it shows itself in various places in the vicinity in thick flaky masses. On the Rio Grande there is a great abundance of bituminous coal, a specimen of which will be produced to the Company. This mine being on the Company's lands, only fifty miles from the colony, will afford fuel for any manufactories that may be established, as well as furnishing a supply for steam-boats, although there is at present an ample quantity of wood for that purpose. The distance from the town of San Antonio de Bexar to the Rio Grande is, by the existing road, about 150 miles, which can be materially shortened, by laying a road from the town of

Dolores in a straight line to Bexar; crossing the heads of the streams above-mentioned. This would facilitate the erection of towns and villages along the line, and the opening of the back country, which is of a still more fertile character. With these advantages, the Company could have little trouble in placing the colonists on the streams downwards. The plains on the Rio Grande are extensive, but would be difficult of irrigation. We think that if a commercial town were established between Las Moras and Piedras Pintas, it would never fail of abundant supplies from the fertile lands of these streams.

"We are aware how anxious the Company is to have every information relative to the Rio Grande. We have, in consequence, been earnest in our enquiries and, from all we can collect, there is little doubt of its navigation being free during *eight months*. A steam-boat has been as high as Alcantro, a town on the right bank of the river, about 145 miles from Matamoras, and had a full cargo down. At high water, there were no obstacles whatever."

San Patricio County embraces an immense extent of country, but a small proportion of which lies within the limits of Texas proper.

The lands on the Nueces River and Corpus Christi Bay are of extraordinary beauty and fertility, and admirably adapted to the cultivation of cotton and sugar and the raising of stock. The surface is undulating, and bears a good growth of timber. A mild and healthful climate, united with other advantages, renders this a most desirable district for settlement. From the town of San Patricio, about forty miles from the bay, to the

mouth of the Rio Frio, the land bordering the river, for fifteen or twenty miles on either side, is like that about San Patricio, deep, black and rich, and not to be surpassed for crops of cotton and sugar. The river admits of being rendered navigable for small boats as high as the Rio Frio. This section affords, perhaps, the best range for cattle in Texas, being free from troublesome insects, and its musquit prairies supplying the best pasture. It is not uncommon to see a drove of from 1500 to 2000 wild horses, some of which are remarkable for symmetry and speed, bounding over these prairies. Salt Creek and two other small streams, which enter Corpus Christi Bay west of the mouth of the Nueces, flow through a fertile section of musquit prairie, almost entirely destitute of timber. In travelling over these far-spreading prairies, the immense herds of wild cattle and mustangs are the only objects that relieve the uniformity of the scene.

The brackish waters of the San Gertrudes pass through a rich musquit prairie destitute of wood, save a small quantity on the banks of the stream. A fresh water lake, communicating by a rivulet with the San Gertrudes, is situated in the midst of a fertile country, and has a good supply of musquit and live oak timber. The Los Olmos flows through a rich but untimbered prairie. A few miles south of the Los Olmos, commences the barren sandy ridge, distinguished by the name of the Wild Horse Desert, which extends nearly one hundred miles inland. It is so utterly arid and sterile that it is unfrequented even by reptiles and insects, and the traveller rarely encounters a living thing in traversing its desolate surface. About two miles south of

this desert, on the margin of a beautiful and fertile prairie, is the celebrated Salt Lake, which crystallizes so fast that a hundred mules may be loaded from it, and, in twenty-four hours, the place cannot be distinguished from which the salt has been taken. There have been a few settlements about the lake, but they are nearly all deserted; it is, however, annually visited by hundreds of Mexicans, for the purpose of procuring salt. The lake is surrounded by tracts of the best pasturage,—the resort of wild horses and cattle, deer and elk. A rich musquit prairie extends between the lake and the Rio Grande, and borders the course of the Sal Colorado.

After crossing the Wild Horse Desert, the land southward to the Rio Grande has little variety of aspect, being almost uniformly fertile musquit prairie, with hardly any timber except musquit and live oak, of which there are, in some parts, great quantities. The nopal of this district attains a height of fifteen or twenty feet, and is very beautiful in the spring when it is garnished with its white, yellow, and deep crimson flowers. The valuable Mexican aloe, the Spanish palmetto, and many varieties of ornamental shrubs and flowers, with wild fruits of exquisite flavour, lend an attraction to this almost uninhabited region, which, with the exception of the Wild Horse Desert, is said to be as well adapted for the cultivation of cotton and sugar as any portion of North America. One hundred miles above the Presidio (military post) of the Rio Grande, the river Puerco enters the Rio Grande from the north. The country on the Puerco is but little known. A young American who was captured by the Comanches, and subsequently escaped to Santa Fé, and returned from

thence to Texas, described the valley of the Puerco and the adjacent country, which he had visited with his captors, in these terms:

"On either side of the valley, lofty mountains raise their bold summits in the distant horizon. The valley is wide in some places,—the timber and prairie alternate. On the heads of some of the little streams of the Puerco, are high prairies, level for several miles, skirted with timber and well watered. This region appears to be well adapted to raising wheat, corn, and possibly cotton; also apples, peaches, &c. I have seen wild sheep here—they are active, of a large size, and almost fly from hill to hill. Antelopes and mustangs are numerous. I have stood upon the mountains between the Rio Puerco and the sources of the Brazos, Colorado and Red River, and looked down upon level bottoms of prickly pear, between twenty and thirty feet high, so thick as to be impenetrable: and, beside them, rich level prairie of several thousand acres, and groves of oak timber with fine water. This region is not so fertile as the interior of Texas, or the plains of Illinois and Missouri, but it is superior to New England and most of the Atlantic States. It is well adapted for the rearing of sheep. The valleys are capable of profitable cultivation, and the hills will sustain innumerable flocks. There is good water power on all the streams. Future researches will probably discover mines of silver and iron ore. The trade of Santa Fé should be diverted; this is its natural outlet."

At the Rio Grande terminates the south-western boundary of Texas, as defined by Act of Congress and claimed by the Republic. The valley of the Rio Grande,

above the confluence of the river with the Puerco, contains a considerable population, concentrated chiefly in the towns and villages on the banks of the river. Beyond the margin of the Rio Grande, and south-west and west of Monclova, the country is very mountainous and generally destitute of timber. Water is scarce, and the soil is quite barren, unless in vallies susceptible of irrigation. Sheep and goats pick up a scanty pasturage in the mountains. Very good wheat is raised at San Fernando, Santa Rosa, Monclova, Saltillo, Parras, and in their vicinities; but no description of agriculture can be deemed profitable in these districts without the aid of irrigation.

As no topographical account of the tract of country, extending around the head waters of the Red River, between the territory of the United States and Santa Fé has yet appeared, I am glad to be enabled to publish an original Survey and Field Notes drawn up for the use of the New Arkansas and Texas Land Company, claiming under contract entered into in 1832, between the State of Coahuila and Texas, on the one part, and John Charles Beales, M. D., and Jose Manuel Royuella, on the other. By the publication of these documents, I shall have completed a general sketch of the soil throughout the habitable limits of the Republic. The survey, it will be seen, was a task of peril and difficulty, the section explored being destitute of fixed inhabitants and frequented only by tribes of predatory Indians. The surveyor, who was an American, notices a rencounter with the savages with a coolness worthy of a practised "frontier-man."

COPY OF FIELD NOTES AND JOURNAL OF SURVEY.

June 27th.—Having, by a variety of observations, ascertained the intersection of the 32° of north latitude with the 102 of west longitude from Greenwich, we this day established our commencement corner at the point of intersection, by erecting a considerable pile of loose rock, in the centre of which we planted a stake of hackberry, ten feet long, marked $\left|\begin{smallmatrix}\text{S.E.}\\ \text{C.}\end{smallmatrix}\right|$ meaning south-east corner. We made our corner in a clear open prairie, near a fine spring of freestone water, and due S. about twenty miles from the Red River of Texas. The land here is fertile, and clothed with the finest pasture,—a species of grass called by the Mexicans "gama." Buffaloes and antelopes in great abundance.

June 28th.—To-day we made sixteen miles north, over fertile prairie land, and encamped at night on the north bank of the Red River of Texas, finding our commencement corner to be four miles *less* distant from this river than we yesterday supposed it to be. The "bottom" of Red River at this place is nearly a mile in width, and formed of the richest loam, timbered with cotton-wood, buckeye, and spice-wood. Killed one buffalo and two antelopes.

June 29th.—This day we made seventeen miles N., over good prairie land, interspersed with occasional groves of oak timber. We passed two creeks, or rather sandy drains, at present totally dry. Saw large gangs of buffaloes and wild horses. Killed, of the first, two; and encamped at a pond of miserably bad water.

June 30th.—Made six miles N., over level prairie land, to the south fork of Red River. The bottom lands of this river are not very good. The water-course at this place is not more than forty-five yards in breadth, and extremely red,

approaching almost to the consistency of mud. We here found no other timber than cotton-wood. Passed the river, and continued our course further seven miles N., and encamped for the night on an inconsiderable stream of tolerable water. Killed three buffaloes.

July 1st.—Made four miles N., over broken and rugged barrens, and established the N.E. corner of section S., and S.E. corner of section 4; after which, made ten miles N., over land of the same character as that passed in the earlier part of the day. We saw immense herds of buffalo off to the north. Killed one. Encamped again on the south fork of Red River.

July 2d.—We this day made nineteen miles W., over high, open, though fertile, prairie, possessing excellent pasture; and encamped for the night at a hole of water that had barely a sufficiency for the occasion. This night one of our horses died, from the sting of a rattlesnake.

July 3d.—Made to-day fourteen miles W., over delightful prairie. In the afternoon we passed an extraordinarily large spring of water, and encamped at night without either water or wood. Killed two deer, and abandoned on the prairie one of our horses that had given up on the march.

July 4th.—We ran off ten miles W., over land similar to that passed yesterday, and encamped about two o'clock on a beautiful clear stream of water, with rich bottom-land and plenty of timber. Course of the stream S. E. Here concluded to remain for the balance of the day, in order to celebrate, as we best could, the anniversary of our National Independence. Hunters started forth in every direction, and at supper, though we were entirely destitute of the luxuries of civilized life, we feasted most sumptuously on buffalo, venison, antelope, and wild turkey.

July 5th.—Having set out early this morning, we made ten

miles W., between sections 1 and 2, over an extremely broken and rugged country. During the day we saw large gangs of buffalo and some antelope. We encamped for the night on a low piece of marshy ground, that offered a bare sufficiency of water for our purposes.

July 6th.—W., between sections 1 and 2, seventeen miles. Part of the distance very broken; the residue level rich prairie, occasionally timbered with oak and hackberry. In the evening the hunters brought to the camp one buffalo. We this night encamped at a spring of freestone water, in a small grove of timber.

July 7th.—Made nineteen miles W., over much such land as yesterday, and encamped for the night at a small pool of miserable water. Here we established the corner of sections 1, 2, 3, and 4.

July 8th.—We this morning proceeded S., to ascertain the corners of sections 1 and 2; and on the fifth day arrived at the supposed corner, which we established; and, returning on the same line, made fifteen miles N., between sections 1 and 2, over prairie somewhat broken, but rich and fertile. The hunters killed two buffaloes.

July 14th.—This day we remained in camp, for the purpose of killing and curing meat.

July 15th.—We remained in camp until nine or ten o'clock this morning, and afterwards made nine or ten miles N., over smooth prairie, without seeing water during the day. Encamped without wood or water.

July 16th.—We made an early start, in order to reach Red River. At the distance of seven miles we crossed a small stream running N.E., with some timber, such as cotton-wood and willow. In twelve miles more we reached the bottom of Red River of Texas,—extensive and rich timber—oak, hackberry, &c.; undergrowth, plum, cherry, and currant bushes,

with much grape-vine. The river here is about fifty yards in width, and at this time about three feet in depth. Encamped on the south bank for the night.

July 17th.—This morning, early, we forded the river, and left the large timber. At the distance of half a mile, we entered a thicket of plum, haw and oak-bushes, which continued the distance of two miles. We then pursued our course north, over rich and rolling prairie, eight miles, to the corner of section 1, 2, 3, and 4. Encamped at a hole of water in the prairie.

July 18th.—Proceeded N., between sections 3 and 4, sixteen miles, over level prairie, passing during the day many ponds of bad water. During this day's march one of our horses took fright, and burst two kegs of powder. Encamped for the night on a beautiful fork of Red River, running S.E.

July 19th.—Left the creek at an early hour, and ran seventeen miles N., over much such land as yesterday, and encamped in a small grove of timber without water.

July 20th.—We this morning, at the distance of four miles, reached the south fork of Red River. The stream at this place is about forty-five yards in breadth, and about three feet deep, with a wide and rich bottom. A variety of large and excellent timber. We this day made seventeen miles to the corner of sections 3, 4, 5, and 6, over very good land, and encamped on a small stream, about half a mile distant, E., of this corner.

July 21st.—E., between sections 4 and 5, at the distance of half a mile, crossed a small stream running S.E. Made eleven miles E., over land somewhat broken, but unusually rich, and encamped at a very large spring in a grove of timber. This day killed four buffaloes. Game plenty.

July 22d.—Made nineteen miles E., over same quality of land as that surveyed yesterday, and encamped on a branch

of the south fork. Bottom wide and rich, with plenty of timber, viz. cotton-wood.

July 23d.—Started early, and made seventeen miles, through a country generally, though lightly, timbered, without undergrowth; and encamped on a creek about the size of that passed yesterday. Killed two buffaloes.

July 24th.—Reached, about ten o'clock this day, a small quantity of cotton-wood on a dry creek. Made eighteen miles E., over tolerable land, and encamped on Main Red River. Here we found the river near a hundred yards wide. Stream bold and muddy, with very rich bottom, plentifully timbered, cotton-wood, hackberry, and black locust. Here we encamped. Killed one buffalo.

July 25th.—Made twenty miles E., over a most delightful country, both prairie and timber-land. At the distance of twelve miles, crossed a stream running south, about six yards wide. At the further distance of four miles, crossed another stream about the same size, and encamped on another, larger, at the distance of four miles more.

July 26th.—Made fifteen miles E. Character of this country similar to that passed yesterday. Killed two buffaloes and one deer. Here we established the east corner of sections 4 and 5.

July 27th.—We started S., to ascertain the corner of sections 1 and 4, at which point we arrived on the fifth day, after having lain by during the time one day and a half to cure meat. In consequence of some of our horses escaping from the guard, we were detained until a late hour, and made but nine miles.

Aug. 1st.—N., over rich and fertile land, generally timbered; encamped on a small stream running east.

Aug. 2d.—We to-day made fifteen miles N. to the main branch of Red River. Here we found the river from fifty

to sixty yards wide, with a rich and extensive bottom, timbered with oak, hackberry, &c. Undergrowth, plum-bushes and grape-vines. One of the hunters killed a white bear of a large size.

Aug. 3d.—To-day we made seventeen miles N., over a gently rolling prairie of a good quality, with fine pasturage. Large gangs of buffalo seen to the west during the day. At the distance of eight miles we crossed a stream of fine water, from eight to ten yards wide, running from S. to E. We encamped at a pool of water in the prairie.

Aug. 4th.—To-day we made nine miles N., to the corner of sections 4 and 5. We passed over land of an unusually good quality. Saw immense herds of buffalo during the day.

Aug. 5th.—N., along the E. side of section 5. To-day we made seventeen miles N., over land of a good quality, generally lightly timbered. We encamped on a branch of the False Washita, at the distance of two miles from the corner of sections 4 and 5. We passed the False Washita, a deep and bold stream, with good "bottom" land. Timber, white oak, &c.

Aug. 6th.—N., along the E. side of section 5. To-day we made eighteen miles, over level and rich prairie. We encamped without water. No sign of timber during the day. We passed some pools of miserable water, much frequented by buffalo.

Aug. 7th.—N., along the E. side of section 5. We to-day made fifteen miles to the corner of sections 5 and 8. Here we established the corner of sections 5 and 8, and encamped on a stream of fine water running E. The land we passed to-day was generally prairie of a good quality. Two buffaloes killed.

Aug. 8th.—W. between sections 5 and 8. We made fifteen miles. Land of a good quality, generally creek bottom.

We encamped on a creek of fine water running E. Here we found game in great abundance. One of the hunters killed a very large white bear and two buffaloes.

Aug. 9th.—W. between sections 5 and 8. We made to-day twenty miles over land of a good quality, but broken; well timbered with oak and hackberry, &c. We encamped on a small branch running S. Game very plentiful.

Aug. 10th.—W. between sections 5 and 8. We to-day made eighteen miles over a broken country—land generally good. We passed during the day some small streams running S. We encamped on a small stream about five or six yards wide, running S. To-day five buffaloes killed.

Aug. 11th.—W. twenty-one miles between sections 5 and 8. At the distance of five miles we entered a beautiful prairie gently rolling, and of a superior quality of soil. Here buffaloes exist in almost incredible numbers. Encamped at a large lake or pond of water. During the night one of our horses died.

Aug. 12th.—W. seventeen miles over much such land as that passed yesterday. We encamped on a creek eight or ten yards across, with a rich bottom, with some cotton-wood timber on it; its course was S. E.

Aug. 13th.—W. nine miles to the corner of sections 5, 6, 7, and 8. The land we passed to-day was generally prairie. Here we encamped at a small creek. Game in abundance.

Aug. 14th.—To-day we fell in with a party of Riana Indians, who informed us they were on their way to Santa Fé, for the purpose of treating with the Government. We sent a copy of our journal up to this day.

Aug. 15th.—S. between sections 5 and 6 to the corner of sections 3, 4, 5, and 6. We reached it on the third day without difficulty.

Aug. 19th.—N. between 5 and 6, at the distance of three

miles, we crossed a small creek running S. E.; and again, at a distance of fifteen miles, we crossed another of a larger size running S. E. We made twenty-five miles to-day, and encamped in a prairie without wood or water.

Aug. 20th.—We this day, as we were about to leave camp, met with a Comanche Indian, who informed us they were encamped on a small creek to the N. We proceeded N. about two miles. Here we met with a large party who appeared to be quite friendly. We immediately commenced trading with them; we purchased one hundred and ninety-one excellent beaver skins, and could have made more purchases, but thought it advisable to retain some of our goods for other Indians, with whom we might fall in. The chief of this party was called "Cordero." We also purchased five horses that we much needed.

Aug. 21st.—N. between sections 5 and 6. We made seventeen miles over broken land, thinly timbered with cedar and pine. We encamped on a small ravine making from the mountains. Two of the mountain deer killed to-day.

Aug. 22d.—N. between sections 5 and 6. We made to-day eighteen miles to the corner of sections 5, 6, 7, and 8, where we encamped for the night. No game killed to-day. The ground we passed over broken and poor.

Aug. 23d.—N. between sections 7 and 8, at the distance of half a mile, we crossed a small creek running N. E.; and at six miles we crossed another of a larger size running S. E. The land we passed to-day is broken and thin soil. We made sixteen miles and encamped by the side of a deep ravine, with a small quantity of bad water in it.

Aug. 24th.—N. between sections 7 and 8. To-day we made fifteen miles over much such land as yesterday, and encamped on the S. fork of the Canadian; it is a deep and bold stream, with a wide bottom of good land. Timber—hackberry, cotton-

wood: undergrowth, rough plum bushes, and grape vines; here we gathered some plums of a large size and delicious flavour.

Aug. 25th.—N. between sections 7 and 8. We made nineteen miles over uneven ground; thin soil to corner of sections 7 and 9. We encamped at the corner of said sections on a small creek running E. No game killed to-day.

Aug. 26th.—E. between sections 8 and 9 to the corner of said sections; on the fifth day we arrived at the supposed corner. On the 28th, one of the men was bitten by a rattle snake, but fortunately relief was found instantly.

Aug. 30th.—S. along the E. side of section 8 to the corner 5 and 8. On the 1st of September (2nd Sept.) or 31st of August, we killed two buffaloes, and, in the evening, we abandoned one of our horses which had given up.

Sep. 1st.—N. along the E. side of section 8. To-day we made twenty-three miles over a rich tract. Country partly timbered with hackberry, oak, &c. Here we found game in great abundance. We encamped on the Canadian for the night. It is a large and bold stream, fifty or sixty yards wide, with a rich and extensive bottom, well timbered with hackberry, oak, &c.

Sep. 2d.—N. along the E. side of section 8. We made twenty-seven miles to the corner of sections 8 and 9. The ground we passed to-day is very generally prairie, of a good quality. We encamped near a piece of low marshy land, which afforded sufficiency of water for the night. One buffalo killed to-day.

Sep. 3d.—W. between sections 8 and 9. Today we made seventeen miles over level rich prairie, and encamped without water in a prairie. Our horses very much fatigued. The hunters killed two buffaloes.

Sep. 4th.—W. between sections 8 and 9, at the distance of

about six miles, we crossed a branch of the Canadian running S. E. with a bottom of good land, from fifty to one hundred yards wide. The land we passed over was generally prairie, of a good quality. We made twenty-three miles and encamped on a small stream running S. E.

Sep. 5th.—W. between sections 8 and 9, over prairie country of a good quality, and encamped at night on the Dry Fork,—a stream with but little water, and deep and rugged banks.

Sep. 6th.—W. to-day we made twenty miles over a rich level prairie. We encamped at night near a large spring in the prairie. Game in great abundance. Five buffaloes killed to-day.

Sep. 7th.—W. between sections 8 and 9. To-day we made sixteen miles to the corner of Sections 7, 8, 9, and 10, where we encamped for the night—land such as yesterday.

Sep. 8th.—N. between sections 9 and 10. We made sixteen miles through an uneven prairie of thin soil. We encamped without water. Game scarce.

Sep. 9th.—N. between sections 9 and 10. To-day we made twelve miles over a prairie; at a distance of five miles, we crossed the Dry Fork and encamped at a small hole of water in the prairie.

Sep. 10th.—N. between sections 9 and 10. To-day we made twenty miles over a level plain of valuable land. On this night, five of our party deserted, viz. Kimble, Bois, Caseboth, Boring and Ryou, taking with them all our horses excepting four. This measure was adopted no doubt to prevent pursuit. We have suffered much for the want of food; we encamped this night on an extensive prairie without water.

Sep. 11th.—We this morning, for the want of water and horses, were unable to convey our baggage; we therefore scatterd all our purchases, as well as the residue of our goods,

over the prairie. We proceeded N. to the corner of sections on the bank of a ravine. Thence E. between sections 9 and 12, over a level plain twenty-two miles, and encamped at a large spring in the prairie.

Sep. 12th.—E. between sections 9 and 12. To-day we made twenty-three miles over a level prairie of a good quality, and encamped on a small branch of fine water running N. E. Here one of the hunters killed two buffaloes.

Sep. 13th.—E. between sections 9 and 12. We to-day made twenty-one miles, and encamped in the prairie at a small pond of water, which had been much used by buffaloes. The prairie is level and of a good quality.

Sep. 14th.—E. between sections 9 and 12. We made fourteen miles over such land as yesterday. During the day we saw large groves of timber to the N. We encamped for the night on a stream of clear water with little or no timber. Two buffaloes killed. Large gangs of wild horses and buffaloes passed to-day.

Sep. 15th.—E. between sections 9 and 12. We to-day made twenty miles to the corner of sections 9 and 12, when we encamped on a small branch running N. E. During the day we saw immense herds of buffaloes and some deer. Land, prairie of good quality.

Sep. 16th.—N. along the E. boundary of section 12. At three miles we crossed a small branch running N. E.; and at four miles more we crossed the north fork of the Canadian. Here it is a large bold stream from fifty to sixty feet wide, with a large and extensive bottom, well-timbered with oak and hackberry: undergrowth, plum bushes, and grape vines. The country we passed over was of a good quality; generally timbered. Game plenty. We made twenty miles.

Sep. 17th.—N. along the E. side of section 12. To-day we made twenty-five miles, to the supposed corner of section

12, and the N. E. boundary of the grant. We encamped on a small creek running S. E.

Sep. 18th.—We proceeded N. to ascertain the true distance of the Arkansas river. Here we found it to be fifty-five miles north of the supposed. The river here is upwards of half a mile wide, with a large bottom and well-timbered with oak, hackberry, and elm; undergrowth, grape vines, &c. On the 19th, the hunters killed a buffalo.

Sep. 22d.—We returned to the N. E. corner of the grant, and established about half in distance N. of the temporary corner before established. On the 21st we saw a large party of Indians to the W. The country between this corner and the Arkansas River is generally good. On the 24th our horses strayed, or were driven away by Indians, and were gone two days.

Sep. 27th.—W. along the N. boundaries of section 12. This time we ran on a supposed parallel line with the Arkansas River—say W. 10° N. We this day made twenty miles over land of a superior quality; a part of the way well timbered. We encamped on a small creek running S. E. About midnight we were attacked by a party of Snake Indians; we all prepared for battle and made a manful resistance. The action lasted but a few minutes, when the enemy fled, leaving on the ground nine of their party dead. We have to regret the loss of three men killed and one slightly wounded. The men killed—McCrummins, Weathers, and Jones; Thompson slightly wounded.

Sep. 28th.—We were occupied this day in burying our deceased friends, which we did with as much decency as our situation would admit of. We encamped on the field of action at night.

Sep. 29th.—W. 10° N. along the side of section 12. We this day made twenty-four miles over good land and well

situated; mostly prairie. We encamped on a small stream of fine water running S. E.; some of the hunters killed four buffaloes and one deer.

Sep. 30th.—W. 10° N. along the N. side of section 12. To-day we made twenty-six miles over a level and rich prairie. We passed some ponds of stagnant water, but encamped all night, after running until a late hour, without any. Two buffaloes killed.

Oct. 1st.—W. 10° N., along the N. side of section 12. We to-day made twenty-one miles. At four miles we crossed a creek ten or fifteen yards wide, running S. E., with a good bottom of land, timbered with oak, hackberry, and cotton-wood. At the distance of four miles we passed the creek, running N. E. The land that we passed over was generally good. We encamped on a branch running N. E.

Oct. 2d.—W. 10° N., along the N. boundary of section 12. We to-day made nine miles, and established the corner to sections 11 and 12. Land very generally good. A large proportion of it timbered with oak and hackberry.

Oct. 3d.—W. 10° N., along the N. boundary of section 11. At the distance of twelve miles crossed a branch running N. E. We this day made twenty miles, over good land, well timbered, and encamped on a small branch running N. E. Killed two buffaloes and three deer.

Oct. 4th.—W. 10° N., along the N. boundary of section 11. Made twenty-two miles, and encamped on a small branch running N. E. The land to-day was similar to that passed yesterday. Killed one antelope and one deer.

Oct. 5th.—W. 10° N., along the N. boundary of section 11. Made twenty-one miles, and encamped on a creek running N. E. The land now, as we approach the mountain, extremely broken.

Oct. 6th.—W. 10° N., on N. boundary of section 11. Made

sixteen miles, over very broken and rugged land, thickly timbered with pine and cedar, to the base of the mountain, and the extreme head of a small creek running N. E. To-night there was a fall of snow of eight inches in depth.

Oct. 7th.—This day we devoted to a partial examination of the mountain. We found the difficulty in continuing our survey further W. such as to induce us to abandon the attempt. The men here discovered some ore, which, from its appearance, we thought worthy of saving for examination hereafter. In consequence of the lateness of the season, and our total inability to finish the whole of our survey before winter, I thought it best to pursue the most speedy plan for arriving in front of the "Sierra Obscura," in order to give it that examination required in my letter of instructions.

Oct. 8th.—Commenced retracting our steps to the N. corner of sections 11 and 12; at which point we arrived on the fourth day in the evening.

Oct. 13th.—S. between sections 11 and 12. Made twenty-six miles, over very rich and level prairie, to the Moro River. This river is very abundant and deep, though not wide, and certainly runs through the best country contained in the grant. The timber is abundant, and the bottom of the river, though nearly three miles in width, uniformly very rich. Killed four buffaloes. We encamped on the river for the night.

Oct. 14th.—S. between sections 11 and 12. Made twenty miles, over delightful prairie, occasionally shaded with groves of timber, to the bank of a small river, where we remained for the night.

Oct. 15th.—S. between same sections, seven miles to the corner of sections 9, 10, 11, and 12; thence W., six miles, to the same creek we encamped on last night. The whole of this day's march was over good and broken land.

Oct. 16th.—W. between 10 and 11, twenty-five miles, over

very broken country, and encamped on the extreme head of the Dry Fork. Killed two buffaloes and one elk.

Oct. 17th.—W., between sections 10 and 11, twenty-one miles to the base of the mountain, where we arrived extremely late, in consequence of the inequality of the ground.

Oct. 18th.—Retraced our steps along our last course to the corner of sections 9, 10, 11, and 12, where we arrived the third day, early in the afternoon.

Oct. 21st.—S. between sections 9 and 10, to the corner of sections 7, 8, 9, and 10, where we arrived the second day, and encamped in a small creek immediately in a corner, running E.

Oct. 23d.—W. between sections 7 and 10. Made eleven miles, over very broken and sterile land, to the base of Sierra Obscura. Here we remained until the 25th of the month, to give such examination of the mountain as the prevalence of snow would permit. The character of the mountain appears to be extremely sterile, being composed, where it was observable, of black rock and sand. It affords but little timber, and that of a stunted growth. Within about four miles of where we struck this mountain, we found the remains of five old furnaces. This mountain is entirely separated from the principal one, and only connected with the Sierra del Sacramento by a low chain. It is much higher than any of its neighbours.

Oct. 25th.—Believing that any further examination of Sierra Obscura, at this season, and under present circumstances, would be fruitless, we returned this day to the corners of sections 7, 8, 9, and 10, and encamped on the same spot on which we encamped on the 22d.

Oct. 26th.—S. between 7 and 8, to the corners of 5, 6, 7, and 8, where we arrived on the third day.

Oct. 29th.—W. between 6 and 7, fifteen miles, over broken

land, to the base of Sierra Obscura. Here we arrived sufficiently early to observe that the mountain here was pretty much of the same character as where we last touched it, with the exception that it was materially lower. Killed three deer and one elk.

Oct. 30th.—This morning, the men, having become extremely impatient, in consequence of the lateness and rigour of the season, made a formal demand of me of their pay, and refused positively to serve any longer unless their demands were discharged. I knew it was fruitless to oppose to their determination any objection whatever, and consequently determined on going to Santa Fe to report progress.*

(Signed) A. LE GRAND.

Two Franciscan friars, Dominguez and Escalante, proceeded from Santa Fé in 1776, with the intention of journeying to Monterey, in Upper California. According to the journal of their route, they advanced as far as 41° N.; but, estimating their distance westward of Santa Fé at 136 leagues, and considering them-

* The following were the specified limits of the grant to which the Survey refers:—"It shall begin at a landmark which shall be set up on the spot where the parallel of the thirty-second degree of north latitude crosses the meridian of the hundred and second degree of longitude west from London, said spot being at the south-west corner of the grant petitioned for by Colonel Reuben Ross. From thence it shall proceed west along the parallel of the thirty-second degree of latitude as far as the eastern limit of New Mexico. From thence it shall ascend to the north on the boundary-line between the provinces of Coahuila and Texas, and New Mexico, as far as twenty leagues south of the River Arkansas. From thence it shall run east to the meridian of the hundred and second degree of longitude, which is the western boundary of the grant petitioned for by the said Colonel Reuben Ross. And from thence it shall proceed south as far as the place of beginning."

selves still very remote from Monterey, they retraced their course. These missionary travellers represented the borders of the rivers Gila and the Western Colorado as thickly inhabited by peaceable Indians in the lowest grade of civilization.

Taos, about one hundred miles above the town of Santa Fé, is the extreme point of Mexican population, in a westerly direction. Southward of this place, lies the valley of the Rio Grande, extending, between mountain-ranges, to its source in the Sierra Verde, the point of separation between the streams that flow into the Gulf of Mexico and those which fall into the Southern Ocean. Northward of Taos, sweep the treeless plains and sandy wastes, which girdle, like a sea, the granitic bases of the Rocky Mountains,—a land where no man permanently abides, not even the savage hunter, nor the animals, in the chase of which he employs the time that is unoccupied by acts of rapine or revenge.

The preceding Journal completes a sketch of the topography of Texas more accurate and ample than any heretofore published. Be its errors few or many, I cannot charge myself with lack of earnestness in comparing authorities and endeavouring to arrive at unvarnished facts. At a time when the spirit of emigration pervades all classes of my countrymen, I have deemed myself bound to be doubly guarded against the exaggerated praise of a new country, lest in indulging, or borrowing, a flight of fancy, I might lure ill-rewarded industry from its home, to endure the bitterness of disappointment on an alien soil. A word or two now, respecting the choice of a settlement in a country which possesses immense tracts both of woodland and prairie.

In the selection of land, settlers will always be more or less influenced by the habits and associations of the country they have left; therefore emigrants from a low-lying district are likely to prefer the level region of Texas, while those who have from infancy breathed the mountain air will direct their steps towards the highlands. For a similar reason, some will prefer a wooded section and others an open or lightly-timbered prairie. For the emigrant of small capital, or the European settler unused to a warm climate and the laborious process of "clearing" forest-land, the upland prairie, backed by a timbered and perennial water-course, offers by far the most eligible "location."

To hew out a farm from the heart of the primeval forest is a ponderous and life-consuming task, even for the American back-woodsman, accustomed to wield the axe from boyhood, and to trust for subsistence to the unerring rifle. Alas! for the European, if above the condition of a daily labourer, who is constrained to engage in the unwonted and depressing toil! Year may follow year, and find him struggling with difficulties which he is destined never to overcome. By dint of the severest and most irksome drudgery, he is enabled to reclaim a mere patch from the wilderness, and that overspread with unsightly stumps, and encircled by burned and blackened trees. In this disheartening pursuit he wastes the flower of his manhood. If the same process be performed on an extensive scale, by the aid of hired labour, the expense of clearing frequently exceeds the value of the land when cleared. To all these drawbacks must be added the diseases incidental to a residence amidst the shades of the newly opened forest,

where the vegetable accumulations of ages are suddenly exposed to the beams of a scorching sun, and where heaps of levelled timber are left to rot upon the ground. There, the atmosphere is inevitably tainted with noxious exhalations, which soon blanch the ruddiest cheek and palsy the most vigorous arm.

On the prairies, Nature has prepared the soil for the husbandman, who has only to enclose his farm and insert the plough-share, which there encounters no obstacle. The labour of cultivation is consequently easy. A heavy plough and a strong team are required the first year, to break up the tough sward and turn over the soil. The Indian corn is dropped in the furrows and covered with a hoe, which, with an occasional light ploughing to clear away the weeds, is the only labour bestowed upon it, until it is fit to gather. It must be understood, however, that the crop raised in this manner will not reach an average quantity, although it arrives very opportunely to meet the necessities of the settler. By turning the grass down, exposing the roots to the sun, and leaving the soil undisturbed, the sward becomes mellowed in a single season, and, while undergoing the process of decomposition, affords nourishment to the growing corn. In the ensuing spring the roots of the wild grass are completely rotted, and the plough passes through a rich light mould fit for all the purposes of husbandry. The ordinary operations of farming may now be conducted in the usual way, and the labour of cultivating a light soil, unincumbered with rocks or stumps, is so trifling that the farmer has sufficient time to improve his land and buildings. On a level plain of rich mould, the plough may be managed by a stripling;

on newly cleared timber-lands, it requires strength and skill, the share must be sharpened frequently, and is often broken, and, at the best, the work advances slowly. The superior facility of working open land, the saving in the wear of farming implements, the economy of time, and, of course, the greater degree of certainty in the farmer's calculations, with the comparative exemption from local disease, give a pre-eminence to the prairie over the timbered land not to be materially reduced by any inconvenience that may be occasioned by an inadequate supply of wood. It would be sounder economy for a farmer to settle in the midst of a prairie and draw his fuel and fence-wood five miles, than to undertake the clearing of a farm in the forest. According to an experienced American authority, the agriculturists of Illinois have become aware of the fact, and there have been numerous instances of farmers in that rich and improving state, who, having purchased a small piece of woodland for its timber, have selected their farms at a distance, on the prairie. Supposing the soil of both to be of equal quality, a labourer can cultivate two-thirds more of prairie than of timbered land; the returns are larger, and the capital to be invested less. The soil of the rolling prairies of Texas is a deep black loam mixed with sand in various proportions—not certainly so rich as the timbered alluvions of the Brazos, which have a soil formed by the decomposition of vegetable matter to the depth of more than ten feet —but valuable for all the purposes of agriculture, as well as for grazing. With wood, water, a boundless range for stock of all descriptions, a propitious climate and fertile plains, free from the obstruction of timber

or stone, what can the husbandman desire more? Nature has lavished her bounties with the munificence of an indulgent parent; it only remains for man to show himself worthy of her favours, by the due application of his energies, mental and corporeal, and the temperate use of the means of enjoyment placed at his disposal. For a sensual, indolent, uninquiring race, the bowers of a second Eden would bloom in vain.

TEXAS:

THE

RISE, PROGRESS AND PROSPECTS

OF THE

REPUBLIC OF TEXAS.

BOOK II.

THE HISTORY OF TEXAS, FROM THE PERIOD OF THE FIRST EUROPEAN SETTLEMENTS TO THE ESTABLISHMENT OF THE REPUBLIC.

"What have we ever known like the colonial vassalage of these States?—When did we or our ancestors feel, like them, the weight of a political despotism that presses men to the earth, or of that religious intolerance which would shut up heaven to all but the bigoted? WE HAVE SPRUNG FROM ANOTHER STOCK—WE BELONG TO ANOTHER RACE. We have known nothing—we have felt nothing—of the political despotism of Spain, nor of the heat of her fires of intolerance."

WEBSTER'S *Speech on the Panama Mission, delivered in the United States Congress, April* 14, 1826.

CHAPTER I.

Texas originally the resort of wandering Indian Tribes—First European Settlements—Conflicting Claims of France and Spain—Discoveries of de la Salle, and Fate of his Settlement at Matagorda—Failure of French Colonization in Louisiana—Expedition of Alonzo de Leon—Precautions of the Spanish Government for excluding Foreigners from Texas—Indian Troubles—Presidios and Missions—Rise of San Antonio de Behar, La Bahia, and Nacogdoches—Decline of the Settlements.

THE deadening effects of the barbarous policy adopted by Spain in the practical administration of the affairs of its American possessions, is strikingly exemplified in the history of Texas—a country still imperfectly known in the United States, and concerning which impressions the most vague and erroneous are entertained in Europe. Under a rational system of management, Texas, instead of being, until lately, almost a *Terra Incognita*, which even a European Spaniard was not permitted to explore without a passport from his government at home, would have been the flourishing seat of agriculture, commerce, and the arts—issuing and receiving, in ample measure, those products and commodities which are at once the signs and the auxiliaries of civilization. But the ignorant and anti-social despotism which exhausted the NEW WORLD and corrupted the OLD, shed its withering influence over Texas, and left the resources of its redundant soil to be developed by a people who, by their superior aptitude for improvement, seem destined to sway the world.

Before the formation of European settlements in

Texas, that country was the occasional resort, rather than the abode, of Indian tribes, who, subsisting chiefly by their skill in the chase, had no fixed habitations, nor possessed that real interest in the land which is derived from labour expended in its cultivation. Their lives were chiefly devoted to hunting and predatory warfare, like the modern Comanches; and, for all social purposes, they were very inferior to those inhabitants of the central provinces of Mexico who were subdued by Cortez. Both have been, and are, denominated "Indians;" but the tribes that roamed the wilds in search of subsistence were not far above the condition of the animals which formed their prey; whereas the inhabitants of central Mexico—the subjects and neighbours of Montezuma—had made considerable advances in the arts of civilized life,—had built flourishing and populous cities,—practised a useful, if imperfect, husbandry,—and associated themselves under a system of civil polity distinguished by gradations of rank, division of labour, and general contribution to the wants of the State. When, therefore, I have occasion to mention the existing races of Mexican Indians, it is necessary to bear in mind the different character and habits of those who live by hunting and those who live by agriculture, —much sentimental sympathy being wasted upon the former, which might, with advantage, be bestowed upon the latter.

The thriftless ambition of Spain led her to prefer the nominal occupation of an immense expanse of territory to the establishment of compact colonies containing within themselves the elements of immediate prosperity and future greatness. Hence the obscurity that

hangs over the history and topography of those Transatlantic provinces which lay remote from the seat of vice-regal government. Of the original settlement of Texas, the only information that has escaped from the public archives of Old and New Spain, is contained in a diplomatic correspondence on the question of the limits of Louisiana, preliminary to the acquisition of the Floridas by the United States.* The parties to this correspondence, which was commenced in 1805, and resumed in 1817, were Messrs. Pinckney and Munroe and Mr. John Quincy Adams, on behalf of the United States; and Don Pedro Cevallos and Don Louis de Onis, on behalf of Spain. The object of the American diplomatists was to show that, by the acquisition of Louisiana from France, in April, 1803, the United States became entitled to East and West Florida, with the country between the Mississippi and the Rio Grande, on the ground that these territories were included within the original boundaries of the purchased province.

M. Talleyrand, then Foreign Minister under Napoleon, to whom the point at issue was referred in a friendly way, for the purpose of obtaining the "good offices" of France for the United States in the negotiation with Spain, declared, in the name of the Emperor, against the claims put forth by the government of the republic with respect to the Floridas—the more immediate object of desire—in a letter to Mr. Munroe, dated Paris, December 21, 1804:—

"France," says M. Talleyrand, "in giving up Loui-

* State Papers and Public Documents of the United States, including Confidential Documents, vol. xii. Third Edition. Published under the patronage of Congress. Boston, 1819.

siana to the United States, transferred to them all the right over that colony which she had acquired from Spain. She could not, nor did she wish to, cede any other; and that no room might be left for doubt in this respect, she repeated, in her treaty of April 30, 1803, the literal expressions of the Treaty of San Ildephonso, by which she acquired that colony two years before. Now, it was stipulated, in her treaty of the year 1801, that the acquisition of Louisiana by France was a *retrocession;* that is to say, that Spain restored to France what she had received of her in 1762:—the territory bounded on the east by the Mississippi—the river Iberville—the lakes Maurepas and Pontchartrain."

After stating that France had no claim whatever to the Floridas, and that Spain had refused to cede any part of them to her when treating for the retrocession of Louisiana, M. Talleyrand, on behalf of his equitable and unambitious master, winds up with an edifying lecture on the aggressive dispositions manifested by the United States "to the injury of the lawful owner" of the Floridas, "a power which has long occupied, and still occupies, one of the first ranks in Europe."—This was written in December, 1804; in May, 1808, Bonaparte had seized upon the Spanish crown!

It is curious to remark the pertinacity with which the American negotiators urged their demands, notwithstanding the adverse testimony of the party whose amicable interference they had solicited; and not less worthy of note is the ill-disguised assumption of superiority in the representatives of a republic not half a

century old over the ministers of an ancient and once potent monarchy.

It appears to me indubitable, that whatever territorial right may be vested in a nation by virtue of prior discovery, was possessed by Spain to the sovereignty of the countries bordering on the Gulf of Mexico. That right might be nullified by force, or its direct maintenance might be waived, from an apprehension of the results of hostile arbitrement, but its existence must, I conceive, be evident to every dispassionate inquirer who recurs to the exploring expeditions of the Spanish commanders, and the settlements made, early in the sixteenth century, in the north-western countries bordering on the Pacific Ocean. Lower California was discovered by Grijalva in 1534; and, in 1602, Viscayno, sailing northwards, discovered in Upper California the harbours of San Diego, Monterey, and San Francisco. Nearly one hundred and fifty years before the French had established a post on the Mississippi, Juan Ponce de Leon, Francisco de Garay, Hernando de Soto, and other military navigators, had explored the eastern coast of the Mexican Gulf, from Florida to Panuco. About the middle of the sixteenth century, mining operations had been commenced near Santa Fé, in New Mexico, and posts organised for opening trading communications with the Indians. The "kingdoms" (as they have been pompously styled) of New Leon and New Santander were created in the year 1595, and the province of Coahuila, which, be it observed, embraced a considerable portion of territory east of the Rio Grande, in 1600. It does not appear, however, that any actual settlement was made by Spain in the country which in

this work is designated Texas Proper, until the year 1690; and in this tardiness of actual occupation originated the pretensions of France to the Rio Grande, as the south-western frontier of Louisiana—pretensions subsequently revived by the shrewd and eager diplomatists of the United States, with a degree of boldness indicative of the consciousness, on their part, of the ability of the government they represented, to invigorate the intrinsic weakness of its claims, by the exercise of a dictatorial power.

In 1672, the French, who had been more than a century in Canada, had their curiosity awakened by Indian accounts of a river which, rising in the neighbourhood of the Great Lakes, flowed through magnificent forests towards the South. It was alleged that the forests bordering on this mighty river had never been trodden by the foot of the white man. In 1673, an adventurous party set out from Quebec to trace the course of this monarch among the North American waters, and descended the Mississippi (which they named the Colbert) to the mouth of the Arkansas, one of its tributaries. On their return to Quebec, the adventurers communicated the result of their expedition to Count Frontenac, governor of the colony; and to his successor, the Sieur de la Salle, who had resided many years in Canada, a royal commission was given to explore the new regions.

In discharge of the duty thus devolved upon him, La Salle, accompanied by the Chevalier Tonti and Father Hennepin, a Récollet missionary, inured to the hardships of travelling in the wilderness, and possessed of considerable acquirements, journeyed, in 1679, from

the north towards the south, and after surveying Lakes Erie, Ontario, Huron, and Michigan, advanced as far as the river Illinois, where he built Fort Crevecœur. He then divided his company, which consisted of thirty men, into two separate parties—one for ascending the Mississippi to its source, the other for examining that river in its descent. The first party was placed under the charge of Father Hennepin; the second was intrusted to M. Tonti, La Salle himself being obliged, in consequence of the loss of a boat with a valuable freight, to return to Fort Frontenac, in Canada, to provide fresh supplies. The Friar Hennepin, after proceeding higher than the falls of St. Anthony, was captured, but eventually released, by the Indians, and, returning to France, published an account of his travels, dedicated to the king, which awakened new interest in the countries he described.

In 1682, an expedition upon a larger scale was fitted out by La Salle, who, with sixty followers, descended the Mississippi, built Fort Prud'homme, at the mouth of the Wabash River, and continued his course until he reached the Gulf of Mexico. To the territories through which he passed he gave the name of Louisiana, in honour of the reigning monarch of France, Louis XIV. Anxious to communicate in person his discoveries to his countrymen, La Salle, shortly after his return to Quebec, left Canada for his native land, where he was received with many marks of distinction. Having warmly urged upon a ruler with whom the desire of territorial aggrandizement was a master passion, the advantages to be derived by securing the sovereignty of the countries situated in the interior between the North-

ern Sea and the Mexican Gulf, his suggestions were adopted, and measures taken to carry them into effect. A treaty recently agreed upon between France and Spain afforded an opportunity considered favourable for the project. Accordingly, on the 24th of July, 1684, La Salle sailed from La Rochelle, with four vessels and two hundred and eighty persons (of whom one hundred were soldiers), and everything requisite for founding a settlement.

Deceived in the reckoning by the currents of the gulf, the expedition failed in reaching its destination—the mouths of the Mississippi, where it was intended to establish a colony. Having sailed unconsciously to the southward, one hundred and twenty leagues beyond the entrance of that river, La Salle landed, on the 18th of February, 1685, at the head of the Bay of San Bernardo—called also by the Spaniards Espiritu Santo, and identical with the Matagorda of the present day. Here he took formal possession of the country in the name of his sovereign, after the fashion of the times, built and garrisoned a small fort on the Guadalupe, and acquired some importance for the post of St. Louis. The largest vessel of the expedition, a royal frigate of forty guns, with its commander, M. de Beaujeu, returned to France, two others were lost in the bay, and the fourth, a small sloop, had been captured off St. Domingo by Spanish cruisers. After several unsuccessful attempts to discover the Mississippi, La Salle, on the 12th of January, 1687, leaving at his fort twenty persons, including seven women, under the charge of a subordinate in command, departed, with sixteen others, for the purpose of travelling by land to the Illinois, and

thence, through Canada, to France, where he hoped to obtain materials for a fresh expedition. On this journey he was assassinated by two of his own men, who feared to be made responsible for the consequences of some misconduct. Thus perished, on the 19th of March, 1687, Robert de la Salle, a man who, though sanguine and unscrupulous, was imbued with the genuine spirit of a discoverer. His brother and several others of the party succeeded in reaching the fort on the Illinois, which was still under the command of M. Tonti, who had returned from the entrance of the Mississippi, whither he had proceeded, according to arrangement, to meet the expedition under La Salle. A few feeble settlements were made by the French in different parts of the immense and undefined region then included under the name of Louisiana; but the outbreak of hostilities between France and Spain, in 1689, arrested all attempts at colonization until the restoration of peace in 1698.

In 1699, D'Iberville, a brave and intelligent adventurer, was despatched with an expedition to the Mississippi, to found and govern a new French colony. He assumed nominal possession of the country, from the mouth of the Mobile River to the Bay of San Bernardo. The close relations which subsisted between France and Spain at the beginning of the eighteenth century, it is probable, induced the cabinet of Madrid to overlook these movements, which it always professed to regard as intrusive. The boundaries remained in the same unadjusted state as those between the territories of Great Britain and the United States, in the region westward of the Rocky Mountains, at the present day—the

French, perhaps, trusting to obscure and doubtful limits as a cover for future encroachments, and the Spaniards choosing rather to postpone a settlement, than precipitate a struggle that might end in concessions subversive of the jealous barriers, which their policy had interposed between their more important colonial dependencies and the maritime powers of Europe.

Notwithstanding its prodigious natural resources, Louisiana (called by Father Hennepin "the delight of America")—in consequence of the mis-government by which, in a greater or less degree, all European colonies have been, in turn, afflicted,—proved not only a useless acquisition, but a depressing burthen to France. Crozat, a rich financier, obtained, by letters patent from Louis XIV., a grant of the colony, which, according to its conjectural limits, was several times more extensive than France, with a monopoly of the trade for twelve years. Dispirited by the large disbursements required at the commencement of the undertaking, Crozat surrendered the grant in 1717, and it was transferred, by the Regent Orleans, to a trading association. Under the Mississippi company, in the year 1720, a serjeant and three men were stationed at La Salle's post on the Bay of San Bernardo, and, in August of the subsequent year, Bernard de la Harpe, on whom was conferred the empty title of commandant, proceeded, by order of the Chevalier Bienville, Commandant General of Louisiana, to the bay, with a detachment of twenty soldiers, and elevated there a new impression of the arms of France, intended to represent the continued assertion of the right of sovereignty. But no substantial footing was gained in Texas, the colonies elsewhere languished, or perished,

and France, which had looked to them as the source of wealth and maritime greatness, became exhausted and wearied with the cost and trouble of their maintenance. Nor will such a result be deemed extraordinary, when the colonial policy of the "mother country" is fairly estimated. That policy was so short-sighted and selfish, that the planters of Louisiana, in addition to other oppressive and vexatious restrictions, were prohibited from raising their own corn! Instead, also, of bringing together a body of industrious agricultural settlers, the people thrust upon the fertile lands of Louisiana were, says Charlevoix, "miserable wretches, driven from France for real or supposed crimes, or bad conduct; or persons who had enlisted in the troops, or enrolled themselves as emigrants, in order to avoid the pursuit of their creditors." Both classes, of course, regarded the colony as a place of exile.

In 1762, under an article of the treaty of August, 1761, known by the title of the Family Compact, all that portion of Louisiana which was not included in the territory claimed by England by right of conquest, was ceded to Spain, whose boundaries west of the Mississippi consequently ceased to be a subject of controversy.* At the same period, Spain transferred Florida, with all her territory east and south-east of the Mississippi, to England, in exchange for Havannah, the key

* To understand the question long agitated between the United States and Spain, it is necessary to remember that Louisiana was dismembered by France in 1762-3; the portion east of the Mississippi, excepting the island of Orleans, being conveyed to England, and the remainder of the province to Spain: the section which was ceded to Great Britain includes what is now Illinois, Kentucky, Tennessee, Mississippi, and West Florida.

of Cuba, and the Mexican Gulf, which had been captured by the British during the previous war.

Having noticed the slight and fleeting relations of France to Texas, it is necessary to advert to the fate of the puny establishment formed by La Salle at the Bay of San Bernardo. According to Spanish authority, the fort of St. Louis was taken, and its occupants massacred, by the Indians; on the other hand, it is alleged, by the French, that the destruction of the little garrison was accomplished by the Spaniards themselves. One thing appears to be certain—that the nautical blunder which caused the adventurous but unfortunate La Salle to break ground in Texas, instead of occupying a position on the Mississippi, alarmed the Spaniards, and impelled them to the adoption of measures for asserting their supremacy on the soil. When the news of La Salle's invasion reached Mexico, the Viceroy, the Marquis de Monclova, fearful of the recurrence of similar inroads, held a council of war, to deliberate on the affairs, in obedience to a royal order issued by Philip II. enjoining the extermination of all foreigners who should dare to penetrate into the Gulf of Mexico. An expedition was resolved on, to be formed at "Cohaquila" (*Coahuila*, whose limits then extended to the River Medina), under the command of Captain Alonzo de Leon, governor of that province, to scour the country and "hunt out" the French, if any were still remaining. A suitable force was despatched accordingly, headed by this officer, who arrived on the 22nd of April, 1689, at the site of La Salle's fort, and, on the 24th, at the entrance of San Bernardo Bay, where the remains of one of the

French vessels that had been wrecked on the coast were still visible.

In the course of his march, it was reported to De Leon that some of La Salle's companions were wandering about the country, or associated with the Indians. Prompted by this rumour, he visited an Indian tribe called the Asimais, or Asinaes, who received him with marks of respect and good will, but among whom he could obtain no traces or tidings of the fugitive Frenchmen. Obvious suggestions of policy induced the Spanish commander to reciprocate the kindness of the Asimais, on whom he bestowed the name of "*Texas*," since applied to the country they inhabited, (also called the New Philippines,) and which, in their language, signified "friends."* On the 22nd of May, in the same year, De Leon informed the Viceroy of Mexico of the freedom of the whole country from foreigners, mentioned emphatically the amicable dispositions of the Indians, and recommended the establishment of Missions and garrisons, for the purpose of *rationalizing* the natives and preventing the intrusion of Europeans. In accordance with the recommendation, the Mission of San Francisco de Texas was founded in 1690.

From this period, the Spanish government seems to have directed a vigilant eye towards the previously neglected province. More rigorous orders were issued for the exclusion of foreigners, and special directions were given for the control and instruction of the Indians.

* Texas and Texans are the correct English appellations of the land and its inhabitants; in Spanish, *Tejas* and *Tejanos* (pronounced *Tehas* and *Tehanos*). Texian, Texasian, Texican, and Texasite, all of which have been used to designate the people of Texas, are more or less corrupt.

For the promotion of these objects, two expeditions were fitted out, one under Don Domingo de Teran, and another under Don Gregorio Salinas. Fresh discoveries were made by land and water, in obedience to a royal order promulgated by His Catholic Majesty, November 12th, 1692. About twenty-two years afterwards (the Duke de Linares being then Viceroy of Mexico) Louis St. Dennis and three other Frenchmen, bearing passports from the governor of Louisiana, under colour of buying cattle at the Spanish Missions of Texas, penetrated as far as the post of San Juan Baptista on the Rio Grande. Suspecting that the real objects of St. Dennis and his associates were political observation and contraband trade, the authorities seized and forwarded them to the city of Mexico, from which St. Dennis escaped, after a variety of adventures, to the French post at Natchitoches. The capture of these men was followed by another Mexican expedition into the province, of which a military officer of subaltern rank, Don Domingo Ramon, was nominated chief.

This expedition, according to Spanish accounts, was received with "inexpressible friendship" by the Indians, who, doubtless, had been conciliated by presents. In conformity with Indian fashion, the commander, Ramon, received the compliment of adoption, and was named chief of a tribe. The acceptance of these barbarian honours by the Spanish leader is obviously to be traced to the dread of French encroachment or intrigue. As a check upon the French settlement at Natchitoches, which the Spaniards affected to consider within their limits, and only existing by sufferance, Ramon founded, at a short distance from it, four military posts and four

missions—San Francisco, La Purissima Conception, San Josef, and Nuestra Senora de Guadalupe. By a royal order in 1718, various alterations were made in the military administration of Texas; among other new arrangements, a detachment of fifty light infantry was stationed at San Antonio de Bexar. Ramon shortly afterwards died at the Presidio of San Juan Baptista, on the Rio Grande.

War having broken out between France and Spain, during the regency of the Duke of Orleans, the French at Natchitoches attacked the neighbouring Spanish Missions, and obliged the inhabitants to seek a temporary retreat at San Antonio de Bexar. An offer of his purse and person, to dislodge the invaders, was made by the Marquis de Aguago to the Viceroy of New Spain, the Marquis de Valero, and by him accepted. Named by the Viceroy, Governor-general of the New Philippines, or Province of Texas, and New Estremadura, the noble volunteer raised a body of several hundred troops, with which he marched in 1719 into Texas, and advanced without opposition to the Spanish post of the Adaes, in the vicinity of Natchitoches, whither the French had thought proper to retire. The progress of hostilities was soon after suspended, in obedience to orders from Spain, the government of which had determined on keeping within its acknowledged bounds, and quietly increasing and strengthening its outposts.

In accordance with this determination, the Marquis de Aguago re-established the old and founded new Missions, taking fresh precautions for the security of the frontier. San Antonio de Bexar was erected into a *Presidio*, or permanent military station, on the 28th of No-

vember, 1730, and preparations were commenced for making a regular settlement under its protection. The governor-general petitioned the king for the introduction of four hundred emigrant families; two hundred to be selected from the Indians of the Mexican district of Tlaxcala, and the remainder to be taken from Gallicia in Spain, or from the Canary Islands. It was ordered by the king that the whole number prayed for should be furnished by the Canaries, but, for what reason does not appear, no more than sixteen families, consisting of fifty-seven persons of the different sexes, arrived at San Antonio. It is recorded that the expense of transplanting this small number of emigrants amounted to 72,000 dollars, a fact which, if correct, stamps the transaction with the character of a job. To supply the deficiency of colonists, the prisons of New Spain were ransacked, and the choicest of their inmates culled, for the purpose of participating in the glory of founding a city in the wilderness. In this manner was peopled the village of San Fernando (afterwards San Antonio), close to the Presidio of Bexar, from whence several expeditions were despatched northwards, for the repression of Indian outrages, at the close of the year 1730.

A striking example of the stern tenacity with which Spain adhered to its theoretic right of territory, occurred in the year 1742. The French commandant of Natchitoches, being desirous, in consequence of injury sustained by inundation, to remove that post further from the bank of the Red River, requested permission to do so of Don Manuel de Sandoval, commandant of the Spanish post of the Adaes. Sandoval acceded to the request; the desired site being distant not more than

the range of a musket-shot from the old situation. Notwithstanding the seemingly unimportant character of the concession, and the considerations of humanity on which it was granted, it incurred the bitter censure of the Viceroy of Mexico, by whose orders Sandoval was superseded, and removed under military escort to the seat of government, where he was tried by a court-martial, and subjected to the execution of its sentence, with all the rigour of the law!

In 1758, the Indians, descending from their hunting grounds of the north, attacked the post of San Saba, and killed a number of soldiers, friars, and settlers—the memory of which event has been preserved in Mexican tradition. In consequence of their inroads, a body of troops, under the command of Don Diego Ortiz de Parilla, was despatched against the savages, and a resolution ultimately adopted by the Spanish government to organize an extensive and uniform line of posts, to cover all the interior provinces of Mexico. The cession of Louisiana by France to Spain, in the year 1762, left the latter full liberty to provide for the defence of the north-eastern frontier. Authority was given to the Marquis de Rubi to examine the state of the defences, and the result of this commission was, that on the 10th of September, 1772, a chain of posts had been established from the coast of Sonora, on the Pacific, to the Gulf of Mexico. So late as the year 1770, there had always been Spanish garrisons in the fort of the Adaes, near Natchitoches, and other frontier posts; but the cession of Louisiana to Spain caused the fort of the Adaes to be evacuated in 1773, it being no longer required for its original object.

During the war of American independence, Spain again obtained possession of the Floridas, and they were formally transferred to her by England at the peace of 1783. On the 1st of October, 1800, the treaty of San Ildephonso was concluded between France and Spain, by which, under certain conditions, the latter made a retrocession of Louisiana to France, with the same limits that it had when ceded to Spain in 1762. Its previous change of ownership had added nothing to the importance or value of the colony, which Spain estimated chiefly because it served as a vast wilderness barrier between the rich provinces of Mexico and the United States. The proximity of the Anglo-Americans was indeed the peculiar dread of the Spaniards, who regarded the interposition of a French province as, comparatively, an advantage. It was but seldom that the settlers of British origin failed to girdle their boundaries with an intelligent, active, and extending population; whereas the French and Spaniards proved equally unsuccessful in creating prosperous and powerful communities on the American continent. The pursuit and the acquisition of the precious metals had turned the Spaniards aside from those industrious occupations, which are the only permanent sources of national opulence and power; and the pleasure-loving dispositions and social habits of the French tended to disgust them with the solitude of early settlements, which has in itself a singular charm for the free, hardy, and undaunted pioneers of Anglo-American colonization. It is only where they have called in the aid of slave-labour, as in Cuba and the West Indies, that the planters of France and Spain have become affluent by commerce. On the

banks of the St. Lawrence and the table-lands of Mexico, the descendants of emigrants from those countries continue to display an anti-commercial and stationary character, strikingly at variance with the onward spirit of the people of British origin, by whom they have been neutralized or overawed. The French and Spanish colonists suffered the debilitating effects of arbitrary government—the settlers of British origin were sustained and animated by the progressive character of their country's institutions.

It has been stated that, in providing for the exclusion of foreigners from Texas, the Spanish government united the ecclesiastical with the executive authority, and planted the soldier and the friar side by side, in the establishment of Presidios and Missions. To explain the nature of the administration that regulated the affairs of the province, it is necessary to give a brief description of these establishments, which were uniform in their machinery and objects throughout the Spanish colonies.

Each Presidio formed the head-quarters of a military district, and the troops detached to it were under the immediate authority of a commandant. The buildings generally consisted of a square, surrounded by a wall, within which were the residence of the commandant, accommodations for the troops, the church, and stores. Forts were occasionally erected in the neighbourhood of the Presidios. The garrisons were mostly an inferior description of troops—badly clothed and paid, idle and disorderly—the very refuse of the camp. Their principal occupation was chastising and recapturing the nominally converted Indians, under the direction of

the friars. The number assigned to a Presidio was two hundred and fifty mounted men, but the muster-roll was very rarely complete.

The Missions varied according to extent, standing, and population, each being governed by one or more missionaries—all friars of the order of San Francisco.* As the usages of Catholicism are little liable to change, I borrow the description of these establishments as they still exist in California.

To each Mission is allotted, in the first instance, a tract of choice land about fifteen miles square, which is appropriated to the general purposes of the establishment. The buildings vary according to locality and population, but, like the Presidios, they are generally in the form of a square, defended by a wall. The church was usually placed at one extremity of the square, and a fort at the other, the apartments of the fathers, their granaries and workshops, occupying the remainder. The Indian converts were distributed in huts, at a little distance from the principal edifices; there the unmarried of either sex, including both adults and children, were locked up at night, in separate buildings, by the friars, who kept the keys, and punished every breach of this regulation by severe whipping, inflicted in private on the females, and in public on the males. Thus posted at vantage, the ghostly fathers lured, terrified, or coerced the savage and superstitious natives to the profession of a ceremonial Christianity, for their own spiritual welfare, and to the practice of useful crafts and the cultivation of the soil, for the especial benefit of their reverend monitors and masters.

* Forbes' History of Upper and Lower California.

Deplorably abject was the submission exacted from these miserable proselytes. Under the tutelage of the Franciscans, they sank lower in the social scale than the West Indian negro. Converts in name, they were slaves in reality—their thoughts, words, and actions being under the most searching inquisition and rigorous control. Although their supply of food was generally regular, and their labour light, their physical strength diminished, while their intellectual feebleness increased. The animal indulgences they received, were as fatal to their improvement as the loss of their mental independence. It has been justly observed by a well-informed writer, that the Spaniards have treated even the mild and partially-civilized Indians of Central Mexico as wild beasts, which their captors wished to tame, rather than as children, capable of being trained to the duties of a useful manhood.*

The dispassionate Humboldt characterises, in indignant terms, the system of missionary kidnapping which disgraced the American dependencies of Spain.

"By the laws, there can be no Indian slaves in the Spanish colonies, and yet, by a singular abuse, two species of wars, very different in appearance, gave rise to a state very much like that of the African slave. The missionary monks of South America make, from time to time, incursions into the countries possessed by peaceable tribes of Indians, whom they call savages (*Indios bravos*), because they have not learned to make the sign of the cross, like the equally naked Indians of the Missions (*Indios reducidos*). In these nocturnal incursions, dictated by the most culpable fanaticism, they lay hold

* Walton's Spanish Colonies.

of all whom they can surprise, especially children, women, and old men. They separate, without pity, children from their mothers, lest they should concert together the means of escape. The monk who is chief of this expedition distributes the young people among the Indians of his Mission who have the most contributed to the sweep of the *Entrados*. These prisoners bear the name of *Portos*, and they are treated like slaves till they are of an age to marry."

Accurate and impartial in his account of these anti-Christian practices, the Prussian philosopher erred in attributing them solely to fanatical impulses. Another and more vulgar motive exercised a not less powerful agency over their authors. The increase of converts which swelled the spiritual triumphs of the missionaries, was essential likewise to their temporal aggrandizement. The advantages to be derived from an augmentation of the flock produced indifference to the means by which that augmentation might be effected. Sometimes, the most favoured and trusted among the native proselytes were employed to decoy their unreclaimed brethren into the fold. When these and other contrivances failed, more stringent measures were adopted, the nature of which, in comparatively recent days, has been explained in the narrative of the voyages of Captain Beechey, who witnessed their operation during his visit to California in 1826.

"At a particular period of the year, when the Indians can be spared from the agricultural concerns of the establishment, many of them are permitted to take the launch of the Mission, and make excursions to the Indian territory. On these occasions, the Fathers de-

sire them to induce as many of their unconverted brethren as possible to accompany them to the Missions, of course implying that this is to be done by persuasion; but the boat being furnished with cannon and musketry, and in every respect equipped for war, it too often happens that the neophytes, and the *gente de razon** who superintend the direction of the boat, avail themselves of their superiority, with the desire of ingratiating themselves with their masters and obtaining a reward. There are, besides, repeated acts of aggression, which it is necessary to punish, all of which furnish proselytes. Women and children are generally the first objects of capture, as their husbands and parents sometimes voluntarily follow them into captivity." One of these expeditions, in 1826, terminated in a battle, in which thirty-four of the converted were killed, but the loss was subsequently compensated by a second expedition, which ended in the capture of forty women and children of the invaded and obdurate unbelievers. These were forthwith incorporated with the standing force of the Mission, and Christianized with nearly equal celerity, through the enforced repetition of certain venerated names, accompanied by corresponding gestures and genuflexions.†

Such were the establishments formed for the spread

* The Spaniards in the Missions are in the habit of applying the degrading epithet of beasts (*bestias*) to the wild or unconverted natives, while they assume to themselves, or even to their "converts," the term of rational creatures (*gente de razon*).—*Forbes.*

† "To go *to conquer* are the technical terms used by the missionaries in the Spanish part of America, to signify that they have planted crosses amid which the Indians have constructed a few huts; but, unfortunately for the Indians, the words *conquer* and *civilize* are not synonymous."—*Humboldt.*

of Catholicism, and the maintenance of Spanish authority, in Texas; but more providence was exercised in regard to the military efficiency of the Presidios, in proportion to the increasing accessibility of that province to dangerous intruders. The principal post and the leading Missions were at San Antonio de Bexar, which was situated in the heart of the district traversed in their hunting expeditions by the marauding Indians. In 1778, a colony, dependent upon San Antonio, was planted at Nacogdoches, the first settlers being introduced from Louisiana. About the same period, the town of La Bahia, or Goliad, was founded, and strongly fortified. A military post and a Mission, called Refugio, were also established on the small stream of that name. A trade was carried on from this place with the Mexicans of Tamaulipas, Coahuila, and Chihuahua. The beauty and fertility of the country around San Antonio—the salubrity of the climate—the facilities for Indian trading and pastoral pursuits—the proselytizing zeal of the missionary fathers—and the still lingering power of Spain—gave to the settlement a semblance of prosperity, notwithstanding the unpromising character of its original founders. The town and its environs are said to have contained, at one period, above 8000 inhabitants; horses and cattle abounded; and there was a considerable cultivation of sugar and cotton. The plan of the town was an oblong square, from which streets extended at right angles. The houses were constructed almost entirely of stone, one story high, and protected by walls from three to four feet in thickness. The Alamo, an oblong enclosure, containing about an acre of ground, and surrounded by a wall, between eight

and ten feet high, and three feet thick, was situated at the north-eastern part of the town, on the left bank of the San Antonio river. The town itself was embraced within the curves of the river, on the western side. Below Bexar, at intervals, on the banks of the San Antonio, rose the edifices appropriated to the Missions. The attractions of the site, and the richness of the soil, exemplified the union of good taste and worldly sagacity, which seems to have been exhibited by the religious fraternities in all Catholic countries, when selecting their "locations." The Missions, four in number, presented the usual combination of church and fortress, and were constructed of massive stone. Some of the churches were capable of containing 600 or 700 persons,—were surmounted with enormous bells, and ornamented with statues and paintings, their roofs being of stone, lofty and arched. The Mission of San José, on the west side of the river, four miles below San Antonio, was no mean specimen of architecture. To this Mission, collegiate and scholastic institutions were attached, under the superintendence of spiritual directors.

Secure in their strongholds, where their authority was absolute, the missionaries zealously persevered in reducing the Indians to the profession of Catholicism, and submission to predial servitude. By the joint aid of secular and sacerdotal agencies, they succeeded in subduing the vagrant habits of a considerable number of the "Red Skins," who, through the cogency of a rigid discipline, were taught in time to repeat the offices of St. Francis, to chant hymns to the Virgin, and to practise those industrial arts that were deemed most conducive to the temporal welfare of the establishment.

Mutinous dispositions, on the part of stubborn neophytes, were repressed by the military arm; but so efficacious was the system for producing complete mental prostration, that the services of the soldiers were seldom invoked, and were, in sooth, by no means to be coveted by the fathers, composed, as those troops generally were, of the dregs of their class.

Guards and stout walls were indispensable to the existence of the Missions of Texas. The early settlers in the province suffered severely from Indian violence and cupidity. The northern tribes were, with few exceptions, inveterate freebooters and homicides; and their intercourse with the Colonists instructed them in the value of the products of civilization, and stimulated them to possess them, in default of honest means, by acts of treachery and outrage. Fear of their aggressions limited the range of the settlements; and the only and true mode of securing their beneficial extension—by the introduction of emigrants in adequate numbers—neither accorded with the views of the Spanish government, nor with the policy of the friars. For the purpose of cutting off the communication of foreigners with its southerly provinces, the former aimed, in holding Texas, to maintain it as a prohibited desert, —to preserve their monopoly of land and labour; the latter, diligently seconded the measures of exclusion prescribed by the State.

Indeed, the labourers in the apostolic vineyard evinced a degree of worldly wisdom worthy of the most astute worshippers of Mammon. Not only did they contrive that their lines should fall in pleasant places, but they took every precaution to preserve their corporate su-

periority in the soil, free from secular competition. Virtually monopolising the privilege of granting lands, they were very sparing of its exercise, except on behalf of their serfs and dependents. Lest the descendants of the military should become too numerous in time for monastic repose, expedients were devised for limiting their increase. According to the regulations of the Spanish service, no officer or soldier was permitted to marry without license from the sovereign; and, with the power possessed by the priesthood at the court of his Catholic Majesty, it was easy for the Franciscans to turn the restrictions into an interdict. If laxity of morals and the scandal of a Mestizo population, were the result of enforced abstinence from wedlock on the part of the troops, the fathers could console themselves by the reflection, that earthly good is rarely unalloyed by some admixture of evil; and that the immorality of a garrison was a light matter, when poised in the balance with the glory of St. Francis and the success of their endeavours for the conversion of the heathen.

Assisted by the contributions of the devout and charitable, and endowed with lands of inexhaustible fertility, an adequate supply of labour was all that the friars required to ensure the accumulation of wealth. This they obtained by their forays among the aboriginal tribes, for whose servitude the bare means of subsistence, with the privilege of participating in the ceremonial of Roman Catholic worship, were considered ample compensation. The produce of the lands, and all the profits arising from sales, were entirely at the disposal of the friars: whatever was not required for the support of the

Mission, was appropriated to a fund placed under their supervision and control.

A population, consisting chiefly of expatriated friars, vagabond soldiers, enthralled and savage Indians, with the motley offspring of Mexican licentiousness, was eminently adapted for retaining Texas, consistently with the policy of Spain, in the condition of an unimproved and unexplored wilderness. Accordingly, from the year 1764, when, by the acquisition of Louisiana, the Mexican authorities were freed from the immediate neighbourhood of a formidable power, no perceptible endeavour was made by them for the improvement of the province. On the contrary, the gradual reduction of the garrisons coincident with the declension of Spanish power, left the scattered settlements so much exposed to the insults and oppressions of the Indians, that their decay became inevitable. At the close of the last century, in addition to the towns, or rather villages, on the Rio Grande, founded by different Mexican viceroys, and frequently bearing their names,—there were but three urban settlements of any note in Texas, and these stationary, or retrograding: San Antonio de Bexar, Goliad, and Nacogdoches. Besides these places, there were only a few Missions and frontier posts. The population had diminished—the glory of the missionaries had departed—the curse of a vain, arbitrary, selfish, corrupt, and superannuated government was upon the land; and beyond the precincts of garrisoned walls, there was no security for life or property from a savage and insolent foe, that roamed at will from the ocean-like prairies of the Arkansas, to the borders of the Gulf of Mexico—from the wooded slopes of the Trinidad,

to the mountainous wastes of the Bolson de Mapimi. The history of Texas for a hundred years subsequent to the expedition of Alonzo de Leon, is a dreary register of petty territorial squabbles, barbarous feuds, and feats of monkish strategy. If there be a curiosity so rampant as to long for a minute and elaborate narrative of such matters, materials for its gratification may perhaps be obtained in the records of the department of the Indies, deposited in the cities of Madrid and Mexico, and the reports and correspondence of the Franciscan missionaries, which are doubtless still preserved in the archives of the order at Rome.

CHAPTER II.

Communication between the United States and Mexico—Spanish precautions against the spread of Republican Principles—Fate of Philip Nolan, the first armed adventurer in Texas from the United States—Burr's Conspiracy—Retrospective view of the state of the American Colonies under the dominion of Spain—Condition of Mexico previous to 1808—The Indians—the Clergy—The departments of Colonial Administration in Mexico and Spain—Failure of the Colonial System—General Venality and Corruption—Anti-commercial Laws—Progress of Smuggling and decline of Legitimate Trade—Invidious Distinctions between Old Spaniards and Mexican Creoles.

Vast plains covered with rank vegetation served for common boundaries between the territories of the American confederation and those of Mexico. From Louisiana to the Rio Grande, with the exception of the marshes near the coast, there were but few natural obstacles to the progress of travellers. A communication was opened along this line with the Internal Provinces of Mexico, by persons who resorted thither from Louisiana for the purchase of cattle and horses. Humboldt mentions that several of his Mexican friends had traversed the road from New Orleans to the capital of New Spain. To avoid the marshes, the road struck off to the north, towards the parallel of the 32nd degree of latitude. From Natchez, on the Mississippi, it ran by the American fort near Natchitoches, past the old station of the Adaes, to Chichi, eight leagues from which, according to M. Lafond, an able French engineer, were hills abounding in coal. From the Adaes the route lay onwards to San Antonio de Bexar, Loredo

(on the left bank of the Rio Grande), Saltillo, Charcas, San Luis Potosi, and Queretaro, to the city of Mexico. Two months and a half were, at the period of Humboldt's visit, required to travel over this greatly diversified line of country, in which, from Natchitoches to the banks of the Rio Grande, wayfarers were obliged to sleep without shelter of a roof.

It will readily be inferred that the success of the United States in achieving their independence, and the rapid growth of the Federation, were not regarded with indifference by the intolerant and suspicious government of Spain, whose step-dame treatment of its Transatlantic dependencies had supplied abundant cause for disaffection. Lest the dreaded principles of the North American Republic should contaminate the populous districts of Mexico, it became more than ever necessary to guard against the intrusion of foreigners through Texas. The feelings entertained by the Spanish authorities were manifested in a favourite saying of a Captain-General of the Eastern Internal Provinces (Don Nemisio Salcedo), that, had he the power, he would prevent the birds from flying across the boundary-line between Texas and the United States. Perpetual imprisonment, at least, awaited the unlucky wanderer who was caught on the forbidden soil without the protection of a special licence.*

* By the "*Leyes de las Indias*" (Laws of the Indies), which governed the decisions of the Supreme Courts of Spanish America and their various branches, it was a capital crime for a foreigner to enter the colonies without a special licence from his Catholic Majesty. Practically, permissions to travel were not granted unless researches in Natural History formed their ostensible object.

Notwithstanding the risk of capture and punishment, the love of gain, or the excitement of travel or the chase, induced, from time to time, some of those adventurous spirits who lead the van of Anglo-American settlement, to trespass on the loneliness of the Texan savannas. One of the first adventurers, who endeavoured to sustain himself in the country by force of arms, was an Irishman by birth, and a successful trader at Natchez. In the manuscript authority with which I have been favoured by President Lamar, his name is written "Noland," obviously an incorrect orthography of a thoroughly Irish patronymic. Omitting the final consonant, I am authorised to say that, in 1789, or thereabouts, Philip Nolan, at the head of a company of fifty men, entered Texas, and pursued his way to the upper waters of the rivers Brazos and Colorado. The ostensible object of the expedition was the catching of wild horses, but it was supposed that its leader cherished the secret intention of making discoveries in the (reputed) gold regions of the Comanches. Whatever may have been his ultimate object, he was betrayed by a man called Mordecai Richards, who, although a spy of the Spanish government, had a son engaged in the enterprise. The governor of Texas, with a force of three hundred militia, went in quest of Nolan, and finding him at his wild horse pens, summoned him to surrender. The summons was met by an instant and determined negative, and the fearless Irishman marshalled his little band for battle. After an obstinate contest, in which Nolan was killed, those that remained of his followers surrendered at discretion, and were, with few exceptions, taken to Chihuahua and shot. Two of the number—Jack House

and Robert Ashley—effected their escape; another, named Bean, was pardoned on account of his youth, and Stephen Richards, son of the spy, was forced to enter the Spanish army, where he served many years, and died shortly after the period of his release.

Nolan's inroad, the result of private speculation and personal hardihood, had no political bearing, and is only to be recorded as a matter of curiosity. It was not until 1805 and the subsequent year that Texas, the knowledge of which had previously been confined to the border "pioneers" and some of the most instructed Americans, began to excite general attention in the United States. The cause of the interest then awakened respecting a comparatively unknown province was the project which, under the name of "Burr's Conspiracy," disturbed the minds of American citizens with serious apprehensions for the integrity of the Union.

Aaron Burr, son of a clergyman of Connecticut, whose father was a German emigrant of very respectable parentage, served in the War of Independence, under Washington, and attained the rank of colonel, with a high reputation for bravery and skill. After peace was established, he sought from his profession as a lawyer, the means of creditable subsistence, and in party politics the gratification of his ambition. In a contest for the Presidency of the United States, he divided the suffrages of the Democratic party with Thomas Jefferson, and succeeded in 1801, to the office of Vice-President, on the ultimate triumph of his competitor. Having, under circumstances deemed unwarrantable, challenged and killed General Alexander Hamilton, a political opponent, greatly respected for his estimable

qualities, Burr's popularity declined, and he was not re-elected after the expiry of his first term of office. Being of expensive habits, his private affairs fell into disorder, and, for the purpose of retrieving his circumstances, and indulging his appetite for power and notoriety, he embarked in that dark and crooked enterprise, which ended in the ruin of his fortunes and the humiliation of his name.

According to the generally received version of the affairs, Colonel Burr announced, in 1805, a grand plan for founding a settlement on certain lands on the Washita, westward of the Mississippi. Under cover of this project, he concealed the design of revolutionizing Mexico, and, as was alleged, but it would seem groundlessly, a scheme for severing the United States, and establishing a Republic in the West, from a line of separation indicated by the Alleghany Mountains. Protracted disputes between the United States and Spain, concerning the navigation of the Mississippi, and the right of deposit at New Orleans, had prepared the minds of the Americans for a Spanish war, which would have been popular with the Western people, to whose interests the recent cession of Louisiana by France had given an apparently different direction. Of the prevailing impulses and opinions Burr took advantage, and countenanced—so far as regarded the Mexican project—by General Wilkinson, commander of the United States troops in Louisiana, General Andrew Jackson, and other persons of note and influence, he collected armed adherents, and prepared to descend the Mississippi to New Orleans, to pass the Sabine, and march against the capital of Mexico.

A plot in which so many persons were necessarily embarked could not be concealed from the Executive of the Republic. In the month of November, 1806, President Jefferson apprised the citizens of the Union, that a criminal expedition was organised, for which arms and ships had been collected, and officers commissioned. In the summer and autumn of 1806, Colonel Burr, who was then on a tour through the Western States, was brought, as the prime mover in these illegal preparations, before two different grand juries in Kentucky, and, after investigation, descharged. It is true that the popular inclination in Kentucky was favourable to an attack upon Mexico, but, so far as any testimony was adduced, it went to prove merely the intention of Burr to settle the Washita lands. Nothing daunted, he continued his arrangements until, on the 3d of March, 1807, he was arrested by order of the United States Government, on a charge of treason, on the Tombigbee River, in the Mississippi territory, and removed for trial to Richmond, in Virginia, where he arrived on the 25th of the same month. Two bills of indictment were there preferred against him in the Circuit Court of the United States, Chief Justice Marshall presiding—one for treason against the Republic, the other for misdemeanor, in setting on foot a military enterprise to be directed against the territory of a foreign prince with whom the United States were at peace. After proceedings so tedious and harassing as almost to assume the aspect of executive persecution, the case ultimately closed, in October, 1807, by the Chief Justice declaring that there were no grounds of suspicion as to the treason, and directing that Burr and his fellow-pris-

oner, Herman Blennerhasset (an Irishman of property and education, who occupied a picturesque island on the Ohio River, since called by his name), should give bail in three thousand dollars for further trial in Ohio. No further proceedings were instituted, and in June, 1808, Colonel Burr sailed from New York for England. In Europe he remained several years, vainly endeavouring to obtain the sanction of some leading power to his favourite plan for revolutionizing Spanish America. He returned to his native country in the summer of 1812, a marked and disappointed man, resumed the practice of his profession, and died on Staten Island, in the State of New York, on the 14th of September, 1836, having survived all who were connected with him by ties of consanguinity or early friendship.

From the ample exposition of his views furnished by his biographer, Mr. M. L. Davis of New York, Aaron Burr does not appear to have meditated more than the revolutionizing of Mexico, and, failing that, a settlement on the Washita. The latter was a speculation arising out of a purchase of lands under a Spanish title. Baron P. N. Tut de Bastrop, previous to the acquisition of Louisiana by the United States, had contracted with the Spanish government for a section of country exceeding thirty miles square, lying between the Mississippi and Natchitoches. By the terms of the contract, the Baron engaged to settle, in a specified period, two hundred families within the limits of the grant. A Colonel Lynch subsequently obtained, for about 100,000 dollars, a conveyance from Bastrop of six-tenths of his interest under the contract, and Burr purchased 400,000 acres from Lynch, for 50,000 dollars. It will

be seen, hereafter, that the transfer by the *empresario* (contractor) Bastrop to Lynch, and the sale by Lynch to Burr, were both at variance with Spanish law and usage.

On the 20th of December, 1803, M. Laussat, as French Prefect of Louisiana, made a formal delivery of that colony and its dependencies to the United States, in the City Hall of New Orleans, and Mr. Claiborne, governor of the Mississippi territory, assumed the civil administration of the province. The American troops, under the command of General Wilkinson, were simultaneously introduced into the city. It was while on this command that Wilkinson became a participator in Burr's scheme of Mexican invasion, which he afterwards claimed the credit of having frustrated, although Burr declared most solemnly before his death, that, without Wilkinson's force of 600 men, as a nucleus for an army, he would never have ventured to execute his design—being perfectly aware that the men he might collect would, for military operations, be, at first, little better than a mob.*

During the year 1806, and in the midst of Burr's preparations for a Mexican campaign, a detachment was sent from the Spanish garrison at Nacogdoches, to re-establish the old abandoned post of the Adaes, east of the Sabine. Salcedo, Captain-general of the Eastern Internal Provinces, with Simon Herrera, left Monterey, the capital of New Leon, at the head of a considerable force, and crossed the Trinity River, for the purpose of sustaining the revival of the settlement. Intimation of their approach having been received by the United

* Memoirs of Aaron Burr, by M. L. Davis.

States' authorities, General Wilkinson, accompanied by Governor Claiborne and his militia, advanced towards the Sabine. Whilst the risk of angry collision seemed imminent, the alarm produced by Burr's "Conspiracy" was considered a sufficient plea for the recall of the American troops to New Orleans. Conciliatory overtures were, in consequence, tendered by Wilkinson to Herrera. The former declared that his march was occasioned by no disrespect or hostile disposition towards Spain, the sole object in view being the peaceful occupancy of the frontier territory of the United States. The language of Herrera was equally bland: his sole intention, he averred, was to establish a frontier patrol, to prevent the introduction of contraband goods. After these dove-like protestations, the terms of mutual withdrawal were easily arranged. It was agreed that the Spanish forces should fall back on Nacogdoches, and the Americans on Natchitoches; with the further stipulation, that the Americans would not afterwards cross the Arroyo Hondo, provided the Spaniards abstained from crossing the Sabine. These conditions were understood to be binding on the leaders of the respective forces only, without reference to the rights or pretensions of their governments. The commanders and their troops retired accordingly; and this is all the information to be obtained concerning what has been termed the "Neutral Territory," between the Mexican provinces and the United States.

It is alleged, and documents in support of the allegation have been published, that after the trial of Colonel Burr at Richmond, an *aid-de-camp* was despatched by General Wilkinson to Mexico, instructed to demand of

the viceroy Yturrigaray, "repayment of his expenditure and compensation for his services to Spain, in defeating Burr's expedition against Mexico." The sum said to have been demanded was 200,000 dollars, of which the viceroy refused to disburse a single rial, professing to consider the claim "irreconcileable to the honour of an officer and patriot of a foreign state."* If General Wilkinson really solicited money from the Spanish Government under such pretences, the presumption is that he had concluded a compact with Salcedo during the bloodless expedition to the frontier, under the conviction that the premature discovery of Burr's warlike designs would be fatal to their common prospects of aggrandizement from Mexican conquest.

In order to render intelligible the nature of the operations of which Texas became the theatre in succeeding years, it is necessary to review the political condition of Spanish America previous to the commencement of the present century, and especially the condition of Mexican affairs as they approached towards a crisis in 1808.

According to the terms agreed upon between the first adventurers in America and the Spanish crown, the expense attending discovery and conquest was to fall upon the former, who were to retain the vassalage of the native tribes, upon condition of instructing them in the Christian religion, according to the Roman Catholic form. The sovereignty of all the newly-discovered countries was to be vested in the Crown of Spain, which guaranteed that "on no account should they be sepa-

* Memoirs of Aaron Burr, by M. L. Davis.

rated, wholly, or in part, from that monarchy."* The Emperor Charles V. who formally united "the Indies" to the Crown of Castile, bound himself and his successors for ever, that if, in violation of this covenant, they should make any gift, or alienation, either wholly or in part, the same should be void.

The stipulations of this primary compact contained the germs of the mal-administration of the Hispano-American dependencies. They prepared the way for the bondage of the natives, the establishment of an insulated and unpopular political hierarchy, and the absorption of all colonial rights and interests in the single principle of regal predominance in Church and State.

As early as 1499, Columbus granted lands to his followers, and distributed among them a certain number of Indians, who were required to cultivate an allotted quantity of ground for their masters. These unfortunate beings were considered as much the property of their conquerors as any of the ordinary spoils of war. This was the origin of the *repartimiento*, or distribution of Indians, which was introduced into all the Spanish settlements with such calamitous consequences to the vanquished. A fifth portion of the Mexicans was reserved for the king by Cortez, who found it more profitable to retain them in slavery, than to exterminate them, like the Aboriginal inhabitants of Hispaniola.† Many were

* *Leyes de las Indias, Ley* I. *tit.* I. *lib.* 3. By the laws of the Indies, all acts relating to the conquest of America were expunged.

† "All the plants," said Cortez, in a letter to Charles V., October, 1524, "thrive admirably in this land. We shall not proceed here, as we have done in the isles, where we have neglected cultivation and *destroyed the inhabitants*." For the purpose of saving a handful of Aboriginals, Las Casas accomplished the introduction of enslaved negroes into Hispaniola (St. Do-

sold into distant captivity; multitudes perished from accumulated hardships and insufficient food.

In 1542, Charles V. abolished the *repartimientos* and transferred the rights of vassalage, possessed over the Indians by individual proprietors, to the Crown. An Indian capitation tax was imposed, the amount of which has varied in different provinces, and at different periods. Previous to the Mexican revolution it amounted to ten francs, besides which, the natives were chargeable with fees to the church, for its numerous rites and ceremonies. With a view to amend their condition, the system of *encomiendas* was introduced, which invested the Indians with some recognised rights, and consigned them to the protectorship of the superior landholders. Under these arrangements, every Indian became either the immediate vassal of the Crown, or, through its sanction, of the owner of the *encomienda*—the specified district in which the *encomiendero* resided.

The constrained servitude of the Indians was of two kinds—labour in the fields, and labour in the mines. For the latter, they were divided into classes called *mitas*, who served in turn, at regular periods, and for a definite time. No alleviation of their sufferings arose from the system of *encomiendas*, which, by the death of the proprietors and their descendants, became nearly extinct about the beginning of the eighteenth century.

mingo). The selfish experience of Cortez induced him to abstain from slaughtering the Mexicans, whose compulsory labour left no scope for the profitable employment of kidnapped Africans, except on the deadly sea-line of the *Tierra Caliente*. Cortez rendered one service to humanity by introducing wheat into Mexico, to the great and lasting advantage of the natives.

Those grants that remained were annulled by Charles III., by whom also measures were adopted for suppressing the *Corregidores*, who by selling indispensable articles to the Indians (of whom they were legally superintendents) at exorbitant prices, contrived to keep them permanently their debtors, and thus retained them in a state of practical bondage. The increase of population and food having rendered the supply of native labour abundant and cheap, the indirect slavery of the colonial *mitas* was gradually abolished.

The establishment of Intendencies, under the vice-royalty of Count de Galvez, followed up by active endeavours for the better superintendence of the Indians, produced a beneficial change in their condition. Still it was only by comparison with the miseries of the past, that their lot could be deemed tolerable. The attempts of Galvez to obtain for them the benefits of education were resisted by the Crown.* They were still deprived of all the valuable privileges of citizens—were treated as minors under the tutelage of their superiors, and could make no contract beyond the value of ten pounds. Intermarriage with the whites, and the use of firearms were prohibited; and the only situations or employments left open to them were those of common labourers or artisans. The residents in large towns were governed by Spanish laws and authorities; but the majority were pent up in their villages, and there conserved in barbarism by petty magistrates, either of their own race, the

* Galvez, a man of extraordinary talent and address, was greatly revered by the Indians, with whose language and manners he was well acquainted. During his vice-royalty he improved and beautified the country, and, it is said, meditated the establishment of its independence.

recognized descendants of their ancient chiefs, or persons appointed at discretion by the government.

After remaining under the rule of Spain for nearly three hundred years, the native Mexicans were, at the close of the last century, in most respects, degenerated from the rank which they occupied in the days of Montezuma. The spirit of nationality had been subdued, and the whole race had descended to a common level of degradation. Their legalized inferiority and the general licentiousness, were scandalously conspicuous in a population of Mestizoes and other motley castes, nearly equal in amount to the whole aboriginal population. All these classes were in a state of deep moral debasement*. The natives might be said to have no property; and, considered in the aggregate, they offered a picture of extreme destitution. Banished into the most barren districts, and indolent from nature, but still more from their political situation, they lived only from hand to mouth. The streets of the splendid city of Mexico swarmed with from 20,000 to 30,000 wretches resembling the Neapolitan Lazzaroni, of whom the greatest number passed the night in the open air, and basked in the sun during the day, with nothing to cover them but a garment of dirty flannel.

Whenever, from severe drought, or any other cause, the crop of maize, on which the native population al-

* "For the looseness of their lives and publicke scandals committed by them and the better sort of Spaniards, I have heard them say often, who have professed much religion and feare of God, that they really thought God would destroy that city, and give up the countrey into the power of some other nation."—Account of Mexico, in the Travels of Thomas Gage, an English Dominican Friar, published in 1648.

most exclusively depended for subsistence, was materially injured, they were exposed to the ravages of famine. In 1784, the number of persons swept off by the fatal union of famine and disease was estimated at more than 300,000; and be it always recollected, that the Mexican Indians were not a race of savage hunters, disdainful of agriculture, like the Red Men of the North, but a mild and ingenious people, with a progress in civilization similar to that displayed by the Chinese. "From these simple people," says the author of 'Six Months in Mexico,' "the unprotected traveller has nothing to fear; they are the most courteous, gentle, and unoffending creatures in existence."*

It was literally under the banner of the Cross that Cortez and his associates perpetrated their acts of butchery and rapine in America. The sword of reckless and avaricious adventurers hewed out a track for the missionary "conquests," by which the helpless Indian was consigned to the joint care of a friar and a corporal. In a few years after the reduction of the Mexican empire, fraud and force succeeded in obtaining the nominal adhesion of 4,000,000 of idolators to Christianity. But though the profession was more rational, the faith remained essentially the same. The policy of the Spanish missionaries was satisfied with a compromise between Catholic observances and Indian superstition. "The native Americans," says Humboldt, "like the Hindoos and other nations who have long groaned under a civil and military despotism, adhere to their customs, manners, and opinions, with extraordinary obstinacy. I say opin-

* Six Months' Residence and Travels in Mexico. By W. Bullock. London, 1825.

ions; for the introduction of Christianity has produced almost no other effect on the Indians of Mexico than to substitute new ceremonies, the symbols of a gentle and humane religion, for the ceremonies of a sanguinary worship. This change from old to new rites was the effect of constraint and not of persuasion, and was produced by political events alone. Dogma has not succeeded to dogma, but ceremony to ceremony; the natives know nothing whatever of religion, but the exterior forms of worship. Fond of whatever is connected with a prescribed order of ceremonies, they find in the Christian religion particular enjoyment. The festivals of the Church—the fireworks with which they are accompanied—the processions, mingled with dances and whimsical disguises, are a most fertile source of amusement for the lower Indians, whom I have seen masked, and adorned with small tinkling bells, performing savage dances around the altar, while a monk of St. Francis elevated the host." On a disinterred idol being exposed to the public gaze in the city of Mexico, an Indian remarked, with grave simplicity, in reply to the jest of a spectator, "It is true we have three very good Spanish gods, but we might still have been allowed to keep a few of those of our ancestors!"*—This occurred so late as 1823.

The ecclesiastical establishment, of which the gross ignorance and abject superstition of the Indians were the opprobrium, was fashioned after that of Spain. The exactions for its maintenance were very burdensome, and pressed with peculiar severity on the energies of a growing dependency. Tithes were introduced so early

* Six Months in Mexico.

as 1501, and laws were framed to enforce their payment. Not only were clerical impositions laid upon every article of agricultural produce, they were extended likewise to those which were, in part, the fruit of manufacturing industry, such as sugar, indigo, and cochineal. The wealth of the Church was also greatly augmented, and the productive capital of the country proportionably lessened, by the voluntary endowment of monastic institutions. In 1570, Philip II. introduced the inquisition into Spanish America; but, with a singular exercise of considerate forbearance, the natives were exempted, on the ground of mental incompetency, from its baleful jurisdiction. Their heresies were only to be noticed by the bishops, who held spiritual courts in their respective dioceses, over which they presided, assisted by the fiscal, proctor, and vicar-general. All the ecclesiastical courts were under the control of the viceroy.

The extraordinary powers conferred by the Pope on the Spanish Crown constituted a remarkable feature in the ecclesiastical affairs of America. To the king were granted the patronage and disposal of all benefices in the Transatlantic Church, of which he became the secular head, and thus exercised a prerogative unknown to his domestic sovereignty. Until they had been examined and recommended by the Council of the Indies, and approved by the king, the papal Bulls could not be admitted into Spanish America. The effect of these concessions was to make the Church an auxiliary branch of the Government, and to render the hierarchy as suppliant to the will of the Crown as its officers civil or military. Hence the inequality which marked the condition

of the clergy, of whom many suffered extreme poverty, while others were in possession of magnificent incomes. The Archbishop of Mexico enjoyed an aggregate income exceeding 120,000 dollars; several of the bishops were almost as munificently endowed; while the priests in the Indian villages were in the annual receipt of from twenty to twenty-five pounds sterling. Hence also the alienation of the inferior clergy of Creole descent from a government which, disregarding their claims, restricted ecclesiastical honours and emoluments to European Spaniards. There being no middle class in Spain to share and equalize the royal patronage, princely revenues were appropriated to the American prelates and other dignitaries. The average provision set apart for the parish priests, or *curas*, of the settlements, was comparatively small. The *doctrineros*, or doctrinal priests, who officiated in districts peopled by subjugated Indians, had their main pecuniary dependence on the fees of baptism, marriage, and interment. The *missioneros*, or missionaries, employed to convert the *Indios bravos*, derived their scanty stipends from the treasury; all, however, were aided by pastoral gifts and pious benefactions. Perhaps to the inadequate provision made for the inferior clergy ought, in charity, to be ascribed much of the sordid discipline that prevailed at the Missions.

The concessions of the Roman Pontiff to the Spanish Crown, operated, on the whole, unfavourably for the colonies. For the relinquished patronage of bishoprics and benefices, succeeding popes substituted the grant of extraordinary privileges to the regular clergy, allowing the members of certain missionary orders to accept parochial charges, and to receive their emoluments in com-

plete independence of a diocesan. Of these errant friars, great numbers flocked from Europe to the new countries; some moved by apostolic zeal—more by considerations altogether selfish and worldly. The former devoted themselves with an earnest and ardent spirit to the work of conversion, and evinced a humane, and sometimes an enlightened regard for the improvement of their primitive flocks; the latter, in contempt of their monastic vows, engaged in traffic, oppressed the poor creatures they were commissioner to instruct, and, not unfrequently, indulged in gross licentiousness which, in the safe obscurity of remote stations, among an enthralled and despised race, knew no restraint of decency —acknowledged no limit save animal satiety.

The Mexican clergy of all classes amounted in the aggregate, at the beginning of the present century, to between 13,000 and 14,000 individuals. In La Puebla de los Angelos (Angels' Town), with a population of 60,000 souls, there were 100 spires and domes appertaining to religious edifices; and the beggary and depravity of the people appeared in deplorable proximity with the wealth and luxury of the church. In the city of Mexico, containing a population estimated at 150,000, there were 550 secular and 1,646 regular clergy, besides nuns. On the Mexicans, Creole and Indian, fell the burden of satisfying the extravagance or necessities of the redundant Spanish priesthood, from the mitred dignitary of the palace to the cowled servitor of the monastery.

The Spanish colonial system neither contemplated nor acknowledged any intermediate power between the sovereign and the colonists. Absolute at home, the su-

premacy of the King of Spain was still more sovereign and complete in America. The Bull of Pope Alexander VI., which bestowed on Ferdinand and Isabella all the countries which they might discover west of a given latitude, was the authority on which the Spanish monarchs claimed the most valuable proportion of the American continent as their personal property. From the Crown proceeded all grants of land, and, if they failed from any cause, to the Crown they again reverted. As monarchs of the Indies, the king was unchecked by ancient and powerful grandees, popular usages, or prescriptive rights; the Church, once a formidable rival to royalty, and always a potent engine of control in Catholic Europe, was in America an arm of the executive. The pervading principle of the colonial government was to concentrate the hopes and fears—the desires and apprehensions—of all ranks and classes exclusively in the king. To accomplish this object among the natives, the missionaries were directed to blend the doctrines of unreasoning vassalage and passive obedience with the precepts of religion. They taught, accordingly, that the visitations of Divine wrath—plague, pestilence, and famine—the tempest and the deluge—were the frequent and merited punishments of the disloyal and disobedient. The measures adopted by Spain to secure the dependence of America, and restrain the Indians from any attempt to regain their ancient state of freedom, seem to have been concerted not so much with a view to thwart their inclinations, as to leave them in entire possession of their prejudices and vices, so far as they did not avowedly clash with the external observances of religion.

The machinery of government in "the Indies," whatever might be its practical merits, was ingenious and promising in theory. The representation of the Crown was lodged with the respective viceroys, captains-general, and governors. To the viceroy, who was appointed for seven years, belonged the command of the troops: he was assisted by a legal adviser and a council of war. The declared salary of the viceroy was large; his emoluments, open and illicit, were enormous.

In the Council of the Indies, which formed a part of the administration at Madrid, was vested, from the early date of 1511, the supreme government of all the Spanish possessions in America. The king was always supposed to be present, as head of this important body. In its better days, the Council was composed of the most eminent public men, more especially such as had acquired experience and distinction by civil service in the colonies.

Its jurisdiction extended to every department—ecclesiastical, civil, military, and commercial. All laws and ordinances relative to the government and police of the colonies originated with the Council, and required the approval of two-thirds of its members before they were issued in the royal name. It had the right of nominating the principal civil and ecclesiastical dignitaries, subject to the confirmation of the king, and the power of determining appeals from the decisions of the *Audiencias*, the highest of the colonial tribunals. All persons employed in America, from the viceroy downwards, were responsible to the Council, which reviewed their proceedings, rewarded their services, and punished their misconduct. To it was submitted whatever intelligence,

whether public, private, or secret, was received from America, and every project for improving the administration, the police, or the commerce of the colonies.*

In this well-selected cabinet lingered the latest remnant of the vigour and sagacity which once characterized the councils of Spain: it was the last branch of administration that yielded to the pestilent tide of Peninsular corruption.

Next in rank to the Council of the Indies was the colonial tribunal called *Real Audiencia* (Royal Audience). The *Audiencias* were formed on the model of the Spanish court of chancery, and one of them was established in every province, with power to determine civil and criminal causes. The number of judges was regulated by the extent and population of the sphere of jurisdiction. Besides their appellate powers, the *Audiencias* had the attribute of defenders of the common weal and supporters of the royal prerogative. The *Real Audiencia* was the ultimate court of appeal within the limits of a viceroyalty. Of this court the viceroy was president; and while it was legally entitled to exercise supervision over his actions, it was his province to render an account of its proceedings to the Council of the Indies. On the death of a viceroy, the supreme power became vested in the *Real Audiencia*, and the chief judge assisted by his associates assumed the direction of affairs. The strictest precautions were taken in the theo-

* The establishment of a similar board in England is much required, and could hardly fail to be attended with beneficial results. Unfortunately for the practical success of the Council of the Indies, its laws, which form the best part of Spanish jurisprudence, were not aided in their application by local representative bodies.

retic frame-work of the colonial administration to secure executive integrity, and to prevent the viceroys and governors from connecting themselves by ties of interest or blood with the provinces under their superintendence and direction.

For the regulation of fiscal, financial, and commissariat affairs, admiralty jurisdiction, and other branches of civil administration, Intendants holding office for five years were appointed by the Council of the Indies, independent of the viceroy. Each of these officers presided, with almost uncontrolled authority, over a district sometimes more extensive than a European kingdom. Subordinate to the Intendants were a host of salaried officers.

In addition to the Council of the Indies at Madrid, a board in subordination to it was established at Seville, called *Casa de la Contratacion*, for regulating the commercial intercourse between Spain and America. There were also, in some of the seaports of Mexico, tribunals named *Consulados*, having cognizance of commercial affairs only, whose decisions were subject to revision by the viceroy.

Special privileges, or *Fueros*, were conceded to different professional and corporate bodies—civil, military, naval, mercantile, and ecclesiastical.

A form of municipal government similar to that of Spain was granted to towns, villages, and rural districts, under the name of *Cabildos*. The *Ayuntamiento*, or Municipal Council, was composed of chiefs—*Regidores*, and magistrates—*Alcaldes*. The cities were divided into *barrios*, and each *barrio* had an *Alcalde*, or justice of peace, for the quarter. Throughout the rural

districts there were *Alcaldes*, whose jurisdiction extended over prescribed limits; their legal term of office was two years, and they were responsible to the Intendant of the department. The *Ayuntamientos* theoretically possessed powers analagous to those vested in the municipal corporations of Great Britain and the United States.

Such, in outline, was the machinery contrived and completed by Ferdinand of Aragon, Charles V., and their successors, for the government of Spanish America. Its practical operation, and the policy it subserved, remain to be noticed. For the maintenance of its establishments, the Crown had a revenue, consisting of three branches: I. The payments made to the king, as lord paramount of the country, which included a share of the product of mines, with the tribute exacted from the Indians as crown vassals. II. The revenues received by the king as head of the church, which included first-fruits, one-ninth of the tithes, and the profits arising from the sale of indulgences, under the Papal Bull, of *Cruzado*. The last have been estimated to produce a revenue of 4,000,000 dollars. This Bull, originally granted to raise funds for the Crusades, sanctioned the sale of indulgences, which contained absolution for certain offences, and conferred immunities, such as eating prohibited food in Lent, &c. III. The royal monopolies, and duties on merchandise, which clogged and embarrassed every commercial transaction, from those of the merchant to the petty retailer. In return for this revenue, the whole of the colonial expenditure was defrayed by the Crown.

The working of the system fell, at the outset, far short of the laudable intentions of its originators. The

Council of the Indies might frame wise and equitable laws, but removed several thousand miles from the countries for which it legislated, it was unable to secure for its measures faithful and seasonable application. The multitude of its enactments, during a term of three hundred years, became in itself a fruitful source of confusion and litigation. As a court of remonstrance and final appeal, its remoteness from Mexico, and still more from Peru and Chili, was equivalent to a denial of justice to all but opulent suitors, and even to persons of this class the delay in obtaining a decision was a most serious grievance. It is obvious, besides, that to procure redress by complaints transmitted to the Council against the Colonial Executive was hardly possible, when the heads of that Executive were not merely strong in home connexions, but were the only recognised channels of petition and remonstrance.

It were foreign from the design of this work to trace and dwell upon the rank and destructive growth of mal-administration in New Spain. At the beginning of the present century, that country, in common with the other American provinces under the Spanish yoke, was enfeebled and barbarised by a continuance of profligate misrule. Corruption and peculation rioted openly in every department of the government, and clung to every limb of the executive, from the representative of the King down to the meanest dependent of the Customs. The fact that government offices to which no salary was attached were in great request speaks volumes.

During the administration of Godoy, the stalwart favourite of the queen of the besotted Charles IV., every

office was publicly sold, with the exception of those that were bestowed upon court minions as the reward of disgraceful service. Men destitute of talent, education, and character, were appointed to offices of the greatest responsibility in church and state, and panders and parasites were forced upon America, to superintend the finances, and preside in the supreme courts of appeal. So insignificant was the surplus revenue, notwithstanding the heavy and multiplied exactions on Spanish colonies and commerce, after defraying the expenses attendant on the collection, and allowing for official malversation, that the Crown derived little (if any) fiscal advantage from its American possessions. For the colonists there was no respite from official blood-suckers. Each succeeding swarm of adventurers, in their eagerness to indemnify themselves for the money expended in purchasing their places, increased the calamities of provinces already wasted by the cupidity of their predecessors. Truly might the Hispano-Americans have exclaimed—"That which the palmer-worm hath left hath the locust eaten, that which the locust hath left hath the canker-worm eaten, and that which the canker-worm hath left hath the caterpillar eaten!"

Even the municipal establishments of Mexico were popular only in name. The situations of *Alcalde* and *Regidor* were put up to auction and sold to the highest bidder. In some districts the appointments were conferred as compensation for the trouble of militia service —the captain being made perpetual *Alcalde*, and the first and second lieutenants *Regidores*. The situation of *Procurador*, equivalent to town-clerk, was given to the first sergeant, for whom, if absent, the next in

rank was to be substituted. These being the only courts of petty jurisdiction, a corporal or private was sometimes intrusted with the administration of justice in villages containing a considerable number of respectable proprietors, whose only remedy was an appeal to the provincial *Audiencia*, frequently at a most inconvenient distance, and always the source of vexatious uncertainty and expense. In 1794 four whole provinces were subject to this abuse—New Leon, Santander, Coahuila, and Texas.

The instruments of administrative oppression were almost to a man European Spaniards, and the policy of which they were both the representatives and the agents was the exhaustion and depression of the colonies for the (supposed) aggrandisement of the mother country. Persons who had no root in the soil were of course selected, in preference to those who were allied to it by ties of interest and kindred, for the work of humiliation and impoverishment. It was natural also that a cabinet sitting in Madrid should bestow its patronage upon Spaniards; yet it was more owing to this invidious preference than to the administrative depravities under which their country languished, that the Creoles were at last exasperated into revolt. Such was their indolence, or timidity, that injustice might have been endured for a more protracted season, had not the continued accumulation of insult upon injury become intolerable.

And the injuries inflicted on the unhappy provinces were alike iniquitous and insane. The ruin of Spanish commerce preceded the loss of the colonies. Legitimate trade was so overlaid with duties and fettered with re-

strictions, that smuggling was reduced to a system. The most inexorable monopoly had, from the first, been maintained by Spain in supplying the wants of her dependencies. For a century the trade was confined to the single port of Seville—no foreign vessel was suffered to enter an American harbour—no American was permitted to own a ship. Every vessel chartered at Seville for America was ordered to sail from and return to that port. For the infringement of these laws the penalty was confiscation and *death*. The colonists were forbidden to manufacture any article, or raise any produce, which could be supplied by the mother country, for whose inferior commodities exorbitant prices, augmented by enormous duties, were exacted. These infamous laws were at length relaxed, owing to the increase of smuggling—the lawless vindicator of the rights of trade—but it was not until 1774, under Charles III., whose benficent rule seemed the dawn of a brighter day, that even the restrictions which inhibited all internal intercourse and commerce between the colonies of Spanish America were removed. The rearing of silk-worms, and the cultivation of the olive and the vine (auspicious children of the Mexican soil), were forbidden, and others—hemp, flax, indigo, and coffee—barely tolerated under discouraging limitations. To allay the selfish fears of the wine-merchants of Cadiz, a government order was issued, so late as 1802, to destroy the vines of Mexico. This order, which would have disgraced an Asiatic Pacha, was enforced at Dolores, a place afterwards memorable as the scene of the first insurrectionary outbreak.

But the almost exclusive selection for offices of trust

of European Spaniards (*Gachupins*, as the colonists contemptuously called them), and the insolent proscription of the Creoles, who possessed nearly the whole wealth and territorial influence of Mexico, was the grievance that inflamed the blood. Down to the year 1810, out of one hundred and sixty viceroys, and five hundred and eighty-eight captains-general, governors, and presidents of the *Real Audiencia*, who had served in Spanish America, only eighteen were born in the country, and these had been reared and educated in Spain, and owed their appointments to European interest. Creoles being deemed unworthy of judicial honours, the judges of the *Audiencias* were invariably of European birth. All the prizes in church, army, navy, law—nay, even the facilities for acquiring opulence by commerce—were clutched by the privileged caste.

The corporate and professional *Fueros* were usually enjoyed at the expense of the native colonists, and the corrupt partiality of the officers of the Customs (themselves European Spaniards) threw the entire trade into the hands of their countrymen. In vain, too, did respectable Creoles and enlightened Europeans endeavour to bring notorious offenders of the ruling class to justice. Their attempts were defeated by the spirit of clanship, which was carried to such a pitch of unnatural extravagance, that the son of Spanish parents born in Mexico was considered by his own father of an inferior grade to his European book-keeper!—The arrogant pretensions of the Spaniards, the degeneracy of the Indians, and the laxity of public morals, introduced a novel species of aristocratic distinction—that of the skin. The greater or less degree of whiteness of the skin decided

the rank which a person occupied in society. When a man of inferior condition disputed with one of the titled lords of the soil, he might be heard seriously to say, "Do you think me not so white as yourself?" In order to get rid of the imputation of being of an inferior caste, wealthy families frequently obtained the declaration of a high court of justice, to establish the purity of their blood. Many a dusky form has been clarified by the operation of largesses gracefully and discreetly administered to "the sage of the law."

Modifications and ameliorations of various kinds were at intervals introduced into the system by which Spain abused the patience of her colonies. These it is needless to enumerate, unproductive as they were of material results. The condition of Mexico at the beginning of the present century was stamped with the repulsive features of an anarchical and semi-barbarous society, of which the elements were—an Aboriginal population, satisfied with existing in unmolested indigence; a chaos of parti-coloured castes, equally passive, ignorant, and superstitious; a numerous Creole class, wealthy, mortified, and discontented; and a compact phalanx of European officials—the pampered Mamlouks of the Crown —who contended for and profited by every act of administrative iniquity. Public opinion was unrepresented; there were no popularly chosen authorities, no deliberatve assembles of the people, no independent publications,—for the miserably meagre press was but a shadow, a light-abhorring phantom, evoked to stifle free discussion, by suppressing its cause, and bound to do the evil bidding of a blind, disastrous, and suicidal tyranny.

Into these details I have diverged unwillingly, from the direct line of historical narration, but, for the general reader, I trust, not unprofitably. Unaccompanied by a brief exposition of the backward state of Mexico, the events I have to record would, to persons remote from the sphere of their occurrence, wear the aspect of romantic fiction. The key to the marvels of Texan history can only be obtained by a clear understanding of the social position and relations of the Mexicans, and the character of the strangers whom, when emancipated from Spanish thraldom, they invited to settle on their soil. To rightly estimate the conduct, career, and prospects of a nation, as of an individual, it is requisite to be acquainted with the nature of its education and the extent of its acquirements. It were equally futile to expect the practical development of an enlightened polity from a long oppressed, demoralized, and uninstructed people, as to hope for a judicious household economy under the domestic rule of a neglected nursling.

CHAPTER III.

Effect of Bonaparte's seizure of the Spanish Crown upon the Hispano-American Colonies—Insurrection in Mexico, headed by Hidalgo—Morelos—Central Junta at Zitaquaro—Congress of Chilpanzingo—Constitution of Apatzingan—Dissolution of Congress by Teran—Conciliatory measures of the Viceroy Apodaca, and their effects—Entrance of American Volunteers into Texas, under Guttierez, in 1812—Their achievements—Battle of the Medina, and treachery of the Mexicans—Revolutionary establishment at Galveston—Lafitte the ex-Pirate—Expedition of Xavier Mina—Attempt of General Long—Lallemand's settlement on the Trinity—Plan of Iguala—First Mexican Cortes—Iturbide proclaimed Emperor—His Abdication—Federal Constitution of 1824.

THE separation of its American provinces from Spain had been agitated by Colonel Burr and others several years previous to the period of "the Conspiracy." In 1796 Burr explained his opinions generally on the subject to Governor Jay. In 1797-8 General Miranda, a native of Caraccas, then in the United States, endeavoured to obtain the co-operation of a number of distinguished Americans, for a scheme of revolution, in which he hoped for the naval and pecuniary aid of Great Britain—commercial and political reasons combining to render the ministry of the time favourable to the independence of Spanish America. The expedition fitted out by Miranda in 1806, and the British expedition against Buenos Ayres in 1807, proved alike abortive. The event which may be termed the indirect cause of the severance of the Spanish colonies from the mother-country was the seizure of the crown of Spain by Bonaparte, and its transference to his brother Joseph, in

1808. American reverence for royalty did not long survive Ferdinand's abdication of the throne.

The cession of the Spanish crown was presumed to include the colonies as the property of the sovereign. A decree of the Council of the Indies, confirmatory of the cession at Bayonne, transferred the American dominions of Spain to King Joseph, and French agents were despatched to the colonies to announce the change of sovereignty to the viceroys, and through them to the people, and to demand their allegiance. With the exception of Don José Yturrigaray, viceroy of Mexico, all the representatives of Spanish royalty, with the great majority of the European Spaniards, whose predominant motives were hatred of the Creoles and attachment to place, appeared acquiescent in the change of dynasty. By the Creoles, on the contrary, the new demand of allegiance was received with indignation: they deposed their perjured chiefs, publicly burnt Bonaparte's proclamations, and with cries of "Long live Ferdinand VII." expelled the emissaries of France from the soil.

Yturrigaray, the Mexican viceroy, at this season of difficulty and danger, in compliance with the prayer of a memorial from the municipality of the capital, proposed calling a Junta, in order to adopt a provisional government capable of securing general confidence. The European Spaniards, dreading the influence which the Creoles might gain by a popular system of rule, determined on effecting the viceroy's removal. Privately arming themselves, they arrested Yturrigaray and his lady, on the night of the 15th of September, 1808,

and committed the latter to a nunnery, and the former to the prisons of the Inquisition.

A popular revolt against the authority of Bonaparte in Spain had previously led to the formation of Juntas in the different provinces of the Peninsula. The dissensions which arose from the contending claims of these bodies subsequently induced the establishment of a Central Junta, which assumed the supreme national authority. Victory, however, having attended the arms of France, the Central Junta was dispersed, and some of its members, taking refuge in the Isle of Leon, nominated a government of three persons, which received the name of the Regency of Cadiz. By this partially constituted regency, Don J. Vanegas, a person obnoxious to the Creoles, was appointed successor to Yturrigaray in the Mexican viceroyalty.

The principle of repulsion on which Spain governed her colonies is strikingly apparent in the conduct of the various factions that alternately prevailed in the Peninsula. The Central Junta in 1809; the Regency of Cadiz; the Cortes of 1812 and 1820; the restored King Ferdinand; all—however opposed in other matters—were of one sentiment with respect to American administration. The insulting, arbitrary, and exclusive system of rule was to be upheld at every hazard.

In 1810 the agitation widely developed in Mexico, by the news of the captivity of the King and the occupation of Madrid by the French, soon after the arrival of the viceroy, Vanegas, who honoured and rewarded the conspirators against Yturrigaray, was secretly concentrated in support of a plan of insurrection. The viceroy, having received intimation of the plot, issued

orders for the arrest of the principals, who, for self-protection, were obliged to act prematurely. The standard of revolt was raised by an ecclesiastic.

Don Miguel Hidalgo Castilla, the rectoral *cura* of Dolores, a town in the Intendency of Guanaxuato, with a population consisting principally of Indians, had won the attachment of his flock by his popular qualities, and his endeavours to ameliorate their condition. He had made arrangements for the cultivation of silk, and had planted vineyards, when a special order, prohibitory of his labours, was issued from the capital. Proscribed by Vanegas, he was joined by three friends, Allende, Aldana, and Abasolo, captains in a cavalry regiment stationed in a neighbouring town. In conjunction with them, he took the field, in September, 1810, for "the defence of religion and the redress of grievances." His first attempts were crowned with success. On the 29th of September he captured the city of Guanaxuato, containing a population of 80,000 souls, and recruited his military chest with public funds amounting to five millions of dollars in specie and bar silver. Having declared for the abolition of the Indian tribute, his ranks were swelled by large reinforcements of that people. After remaining long enough at Guanaxuato to organise and equip his disorderly levies, he marched to Valladolid, which he entered on the 17th of October, and was hailed with joyous acclamations. After receiving fresh and large supplies of money, and adopting various measures for improving the efficiency of his army, he advanced towards the capital, and on the 28th reached Toluca, distant from it about thirty-six miles.

To arrest the progress of the insurgents, Vanegas

sent his *aid-de-camp*, Colonel Truxillo, at the head of a corps of fifteen hundred men, which was afterwards increased to two thousand. Dislodged from his position, Truxillo was obliged to retreat towards the city of Mexico, where there were but two thousand royal troops amidst a malcontent population. Had Hidalgo, at the moment of alarm among the royalists, and of exultation among his own adherents, advanced boldly against the capital, it is hardly possible that he could have failed of success.

Contrary to advice dictated by the superior military foresight of Allende, he made a sudden and unaccountable retreat, after remaining two or three days within sight of Mexico. His subsequent career was a series of disasters. Defeated by the royalists under the sanguinary Calleja, at Aculco, Guanaxuato, and Guadalaxara, Hidalgo escaped with his principal officers, and fled towards the Eastern Internal Provinces, with the intention, it was supposed, of proceeding to the United States. He reached a place called Acatila de Bajan, near Saltillo, where he was treacherously delivered up to the enemy by a former partisan, in whom he had placed the greatest confidence. He was taken to Chihuahua, in the Intendency of Durango, and shot, with all the companions of his flight, among whom was his friend, Allende. Thus perished in 1811 the first Mexican revolutionary leader. From this year, the attainment of independence on the one side, and the re-establishment of the old system of misrule on the other—whatever might be their respective temporary professions—were the real ends contemplated by the insurgent colonists and the adherents of Spain.

Hidalgo injured and disgraced the cause which he espoused by appealing to the worst passions of his Indian confederates, who committed the most frightful excesses, slaughtering every European Spaniard that fell into their hands, and frequently not sparing the Creoles. These cruelties were adduced to palliate the ferociously vindictive outrages perpetrated by the royalist troops, and had the effect of terrifying and alienating a large proportion of the timid and wealthy Creoles, who were naturally favourable to the emancipation of the colonies from European thraldom. But Calleja, the Spanish commander, eclipsed Hidalgo as much in the details of cold-blooded massacre as in the practice of war. To avoid the waste of powder and ball, he cut the throats of the defenceless populace of Guanaxuato, until the principal fountain of the city literally overflowed with gore.* Yet it ought not to be forgotten that the failure of the first revolutionists may, in a great measure, be ascribed to their gratuitous acts of violence and inhumanity.

A partisan warfare ensued after the death of Hidalgo, productive of partial advantages to the insurgents, whose principal leaders were Don y Rayon, a lawyer, Don N. Villagran, and last, not least, the warlike priest, Don José Maria Morelos. But the Independents were destitute of any centre of union, of European aid, of financial system and military skill; all of which were possessed by their opponents. To connect himself and his fellows in arms with the people by a representative head, Rayon conceived the idea of establishing a National Junta. In accordance with his views, a Junta,

* Robinson's Mexican Revolutions.

or central government, was elected by the inhabitants of Zitaquaro, and installed in office. This body nominally acknowledged the authority of King Ferdinand, and published their edicts in his name; and ten years later, its ostensible principles formed the basis of Iturbide's famous "Plan of Iguala."

I gladly escape from a recital of the events that occurred from the establishment of the Central Junta (which did not realize the hopes of its founders) to the assembling of the first Mexican Cortes. During that interval, Morelos and Calleja had alternate mastery in the field of carnage and desolation, but the Spanish army having been powerfully reinforced and Calleja appointed viceroy, Morelos, to revive the spirits of his party, convened a Cortes, consisting of forty members, which opened its session at Chilpanzingo, ninety miles south of the city of Mexico. The Cortes afterwards removed to Ario, one hundred and thirty-five miles from the capital, where it declared Mexico independent, and constituted an executive, composed of Morelos, Liceaga, and Cos, with Morelos as President.

Defeated at Valladolid, Morelos lost at Pescuero his most active lieutenant, Matamoros (also originally a priest), who was captured and shot, together with seven hundred of his men. Other reverses followed, and the Cortes, driven from Chilpanzingo, was forced to seek refuge in the woods of Apatzingan, where, on the 22nd of October, 1814, it sanctioned the constitution known by that name. At this place, the assembly was nearly surprised in 1815, by the royalists under Iturbide. Unable to maintain himself in the Intendency of Valladolid, Morelos, with the representative body and a large

portion of the inhabitants, determined to retire to Tehuacan in La Puebla. On his march thither, the insurgent chief was unexpectedly attacked on the 5th of November, 1815, and captured after a short conflict. He was carried to Mexico, deprived, like his precursor Hidalgo, of his clerical orders, treated with the greatest brutality, and shot in the back, as a traitor, in the village of San Christoval, eighteen miles from the capital, on the 22nd of December. About the same period, the Cortes, which had sustained a grievous loss by the capture of the executive chief, was forcibly dissolved on the 15th of December, 1815, by Don Miguel Teran, an officer whom it had provoked, it was alleged, by refusing to place him in the vacant Presidency, and intriguing to deprive him of his command.

The spirit of the revolution now began to decline. Fresh troops arrived from the Peninsula, and Celleja was succeeded in the viceroyalty by Don Juan R. de Apodaca, who substituted clemency for terror as the principle of his government. By the adoption of a conciliatory policy, and the judicious distribution of pardons from the king, the new viceroy succeeded in reducing the number of armed insurgents to an insignificant amount.

During the progress of the occurrences in the southern Intendencies, of which the preceding is a faint and rapid outline, an attempt was made to effect a diversion in Texas, favourable to Morelos and his cause.

Near the close of the year 1812, Don José Alvarez de Toledo, who had been a representative of Mexico in the Spanish Cortes, arrived in the United States, and in conjunction with Don Bernardo Guttierez, then at

Washington in the capacity of agent from the Mexican revolutionary authorities, devised a plan for invading the Eastern Internal Provinces of New Spain, by the aid of American auxiliaries. The ostensible command devolved upon Guttierez, as a Mexican, but the real conduct of the enterprise was intrusted to Colonel Magee, who, for the purpose of undertaking it, resigned his commission as lieutenant in the United States army, in which he had rendered efficient service, when detached from the post at Natchitoches, against a gang of marauding outlaws that infested the "Neutral Territory" between the Sabine and the Arroyo Hondo. Among the officers who joined the expedition, were Kemper, Lockett, Perry, and Ross, brave and ardent spirits, to whom the excitement of military adventure was irresistibly attractive. In a short time the invading force mustered about two hundred strong, all of them in the season of youthful daring, and mostly the sons of respectable settlers in Kentucky, Tennessee, Mississippi, and Louisiana. At the head of this small but resolute band, augmented by recruits of an inferior description, French, Italians, and Spaniards, Magee planted his standard in Texas, and issued a proclamation in Spanish, in the name of Guttierez, inviting the Mexicans to join his ranks.

On their straggling march to the place of rendezvous, the advanced guard of the Americans was suddenly confronted by a body of royalist troops, who fled on the first fire, and were pursued to Nacogdoches, where Magee halted to obtain reinforcements and military stores. Intelligence of his first success having reached the South Western States, his army was increased by

volunteers until it numbered about five hundred men. Instead of advancing towards Bexar, as the Spaniards anticipated, he proceeded towards the fortified town of La Bahia or Goliad, and occupied it without resistance on the 1st of November, 1812.

On the 7th of November, the royalists, in number nearly 2000, appeared before the place, commanded by the same Salcedo and Herrera who had indulged in the harmless flourish of trumpets with Wilkinson on the Sabine. Skirmishing immediately commenced, and was renewed from day to day, with little detriment to either side. On the 15th a steady fire from three eighteen-pounders was opened on the fort, the prelude to a regular and vigorous assault, which terminated in the utter discomfiture of the besiegers. Despairing of success in this way, the royalists hoped to reduce the garrison by cutting off supplies, and accordingly invested the place for a regular siege. It may readily be surmised that the commissariat of the Americans was in no very satisfactory state; their stock of provisions was soon exhausted, there was no mode of procuring any except by the sword, and for three months of winter not a ration was consumed in the fort that was not, like the water of Bethlehem which David longed for, snatched by valour in presence of the foe. Thus matters continued until the 9th of February, 1813, when the royalists obtained some reinforcements. Colonel Magee having died, the command devolved upon Colonel Kemper, who resolved to remain no longer on the defensive. Although the Spaniards out-numbered the Americans in the proportion of five to one, the latter met them in open field, on the 10th of February. The engagement

was decisive; after a conflict of several hours, the Spaniards, routed at every point, fled, leaving between three and four hundred of their number dead, whilst of the victors only two were killed and thirty wounded. These facts are stated on the authority of one of the earliest settlers in Texas, who was through the whole of the campaign.

This success was followed by another of equal brilliancy. The royalists, having reunited their scattered forces, returned to their old position before Goliad, where they remained about ten days, and then decamped under cover of the night, taking the route for Bexar. A detachment sent in pursuit fell on their rear, and succeeded in capturing the baggage-mules, and leading them unmolested to the fort. The royalists continued their march until they reached the Salado creek, where they waited in ambuscade for the Americans, who were now on the advance. On the 29th of March, having vainly tried to effect a surprise, the royalists were obliged to hazard an encounter on an open and beautiful plain. The force, commanded by Salcedo, amounted to 1200 men, with six pieces of artillery planted in the centre. Notwithstanding their numerical superiority and advantage of position, the issue was for them disastrous. A select corps of riflemen under Lockett shot down the Spanish artillerists, and seized the cannon; while Kemper on the right, and Ross on the left, soon routed the enemy's wings. About four hundred Spaniards were killed, a greater number wounded, and seventy-three taken prisoners. A large supply of military stores, with 1500 head of mules and horses, fell into the hands of the Americans, who had the additional good

fortune of discovering and capturing a whole *caballada* amounting to 3000 more. Their loss in the engagement was only nine killed and twenty-five wounded.

Resuming his march, Kemper moved on to San Antonio de Bexar, and, making a demonstration before its walls, demanded an unconditional surrender of the city, which met with prompt compliance. Salcedo, Herrera, and twelve other Spaniards of distinction, surrendered formally, which was quickly followed by the capitulation of the whole of the royalist troops, now reduced to eight hundred men. The latter were allowed to depart—the former were placed in close confinement, and treated, not as prisoners of war, but as felons. On the 1st of April the Americans entered Bexar; on the 5th a new local administration was organised with Don Bernardo Guttierez, the nominal generalissimo, as governor, assisted by a council of thirteen, all selected from among the Mexicans, with the exception of two from the American army—Masicote and Hale.

Before this ruling body, arose the question as to the disposal of the prisoners, and it was finally determined that they should be tried by court martial, and by one, the members of which were known to be personally and vindictively hostile to the accused. It was notorious that the result of such a mock trial must inevitably be a sentence of death. The court was held, and that sentence was pronounced, but not directly or openly executed, as the Mexicans dreaded the displeasure of the Americans, who had, on several occasions, evinced their horror at such barbarous sacrifices. Deception was resorted to for the accomplishment of a deed worthy of assassins. Under the pretence of sending the condemned

to Matagorda, for the purpose of being shipped to Spain, the fourteen Spanish chiefs were removed from Bexar, and, when on the way, were conveyed to the cover of a convenient wood, from which they never emerged. The waters of a brook flowing red with blood revealed the story of their fate. So abhorrent was this atrocious proceeding to the feelings and principles of the Americans that a considerable proportion of them (including Colonel Kemper and many of the best officers) immediately abandoned the service, and it was with difficulty any of their countrymen were persuaded to adhere to a cause stained by such enormities. Guttierez pleaded in extenuation of the base and cruel act, that the persons thus disposed of had, in like manner, murdered some of his own relations and companions in arms.

The invading force, much reduced in numbers by the withdrawal of Kemper and his friends, remained inactive at Bexar, under the command of Colonel Ross, who had signalised himself at the Salado. The new leader became attached to a lady in the town, the daughter of a Mexican officer. On the 16th of June, the Royalist General, Elisondo, who had advanced unperceived, appeared within four miles of the place with 4500 men, and summoned the garrison to surrender. The Americans immediately repaired to their posts, in obedience to their Colonel, but no Mexican was visible, each having fled to his habitation, and left the streets deserted. While Ross was speculating on the probable cause of the mysterious disappearance of his allies, he was startled by a visit from his lady-love, who, hurrying into his presence, her bright eyes dim with tears, threw herself into his arms, and implored

him to fly for life, as the Mexican troops had all along been apprised of the march of Elisondo, and had resolved to unite with him and the citizens of Bexar in a general massacre of the Americans. On receipt of this intelligence, Ross, satisfied of its truth, called a council of war, and urged upon his officers the necessity of commencing an immediate retreat; but the majority, uninfluenced by the seductions of a weeping Cleopatra, rejected the advice with ridicule, and determined, at every risk, to abide the issue on the spot. Ross himself, by no means deficient in courage, but more credulous than became an *amateur* campaigner, left the town the same night,—retiring like a second Antony from Actium. Early on the following morning Colonel Perry was chosen to the command. At ten o'clock in the forenoon of the same day the Americans received a communication from Elisondo, stating that he would leave them at liberty to retire unmolested from Texas, provided they yielded up Guttierez and the other Mexicans who were implicated in the condemnation and slaughter of the fourteen Spanish prisoners. This proposition, and the contemptuous answer which it received, were openly proclaimed throughout the town; a general muster was called, and all capable of bearing arms, both Mexicans and Americans, prepared for battle. Impatient of delay, they advanced against the enemy, whom they confronted on the morning of the 18th, while celebrating matins on the eastern bank of the Alesan, four miles from Bexar. The royalists, unable to maintain their ground before a hot fire of artillery, were worsted and finally forced to fly with the loss of everything—Elisondo himself effecting his escape with difficulty. The

proportion of killed and wounded on the respective sides was about the same as in preceding engagements.

Information of the massacre of the Spanish prisoners at Bexar having reached the United States, an effect was produced on the public mind very unfavourable to the insurgents in Texas. The odium that fell upon Guttierez, who was deemed the prime abettor of the murderous act, led to his removal from the supreme command, and to the appointment of General Toledo. The insurrectionary force was divided into two bodies —400 Americans, under Kemper, who had returned from the United States, and resumed the duties of his post—and the Mexicans about 700 strong, under Manchaca, a bold, but rude and uneducated, native partisan. Toledo, of a distinguished Spanish family and soldierly demeanor, was sufficiently acceptable to the Americans, but was regarded with jealousy and dislike by Manchaca and the Mexicans, who murmured at being under the orders of a "Gachupin,"* one of a race against whom they were waging a war that admitted of no compromise. The alienation of so large a portion of the combined forces from the Commander-in-chief was an ill omen for the result of their joint operations.

An occasion for action ere long arrived. The defeat of the royalist troops in Texas had imparted a formidable appearance to the progress of revolt in that quarter, and awakened the Spanish authorities to the necessity of adopting more vigorous measures to retrieve their losses. Soon after Toledo had assumed the command

* The word "*Gachupin*" has been variously interpreted, but it is universally used by the Creoles and Indians as a term of contempt. By the latter it is understood to signify "thief."

and reorganized the army, intelligence was received of the approach of Arredondo, Captain General of the Eastern Internal Provinces, at the head of a force, estimated (I should say, overestimated) at 10,000 men. To ensure success to this expedition, troops had been drawn from Vera Cruz, and united with the veterans of the interior. Advancing towards the Medina, Arredondo halted at a lake about six miles westward of that river, where he took up a position, which he endeavoured to strengthen by all the means at his disposal.

Toledo quitted Bexar for the purpose of giving battle, and on the 16th of June, 1813,* he confronted the enemy on the margin of the Medina. Arredondo had divided his force, advancing with one-half and four pieces of cannon, and leaving the other moiety in reserve at his fortified position on the lake. In the army of the insurgents, the principal officers were at issue as to the propriety of crossing the river. Toledo was of opinion that they should feign a retreat, for the purpose of luring the royalists over to the eastern bank. This stratagem was opposed by the fiery valour of Kemper, whose arguments ultimately prevailed. Crossing the stream, the Americans pressed onward with their accustomed intrepidity, the enemy yielding ground and retreating, but in good order. For three miles the royalists continued to retire in this manner, when a rapid and vigorous onset caused them to break into a flight, in which

*I have discovered frequent discrepancies in the dates assigned by different authorities for this and other events of the Mexican Revolution. According to Robinson, the battle of the Medina was fought on the 18th of August, 1813. The date in the text is given on the manuscript authority of General Lamar, President of Texas.

they abandoned their cannon. Toledo, conceiving that the ardour of his men was urging them too far from water, ordered the troops to fall back upon the Medina. This order was productive of discord and confusion among the officers, so much so, that Kemper and Manchaca, the colonels commanding, galloped violently down the lines, issuing contrary instructions and swearing that there should be no retreat. Toledo, unpopular with the Mexicans, was disobeyed, the action recommenced, and the enemy, closely pressed, retired, fighting and without confusion, until they reached their intrenchments. Here, to the astonishment of Kemper and Manchaca, a most destructive fire was opened by the entire force of Arredondo, whose great superiority of strength was now manifest. Utterly dismayed, the Mexicans fled at the first volley. Toledo, in forming his line of battle, had disposed the Mexicans and Americans in alternate companies; the flight of the former disorganised the latter, yet they flinched not from the contest, but fought with a desperation proportioned to the emergency of the occasion. So gallantly did they acquit themselves, that the Spanish cavalry was broken, and Arredondo commenced preparations for a retreat. At this critical moment, Colonel Musquiez, a traitor from the Mexican ranks, rode over to the royalists and informed them that the Americans were beaten, and that, fainting from want of water, they were unable to sustain another determined charge. Arredondo, on hearing this, rallied his cavalry, and with some of his freshest companies, made a furious rush upon the Americans, who were compelled to yield ground. Thinned in numbers—their ammunition spent—wearied

with the struggle, and parched by a burning sun—their defeat was now certain. The work of slaughter commenced, and most of those who escaped from the battle-field were slain or captured on their flight towards Louisiana. The recreant Mexicans, who had deserted their own flag in the hour of peril, sustained but little loss; while some Coshatta Indians, who were in the action, stood by the Americans to the last, and shared their fate. The bones of the dead were to be seen for several years afterwards, bleaching on the San Antonio road. In 1822 Colonel Don José Felix Trespalacios, governor of Texas, had the sculls collected and interred with military honours.

The revolutionary struggle in Texas may be said to have ended with the battle of the Medina, which, but for Mexican treachery, would have terminated in a victory that, by drawing fresh adventurers from the United States, would, in all probability, have greatly accelerated the independence of New Spain. General Toledo, who escaped to the United States, afterwards declared that, with 2000 such men as the Americans he commanded at Bexar, he could have marched to the city of Mexico.

The calamities of civil war were severely felt in the scattered and feeble settlements of Texas. In 1806 the colonists of the province reckoned more than 100,000 head of horned cattle, and from 40,000 to 50,000 tame horses. But an irruption of the Indians, in 1810, swept away the greater part of these herds, and desolated the establishments situated at a distance from the garrisoned towns.* After the defeat of the insurgents

* Almonte.

on the Medina, the principal inhabitants of Bexar were obliged to leave their homes in "the land of flowers," and seek protection across the Sabine.

The din of insurrectionary strife ceased on the plains of Texas, during the five years subsequent to the defeat and dispersion of the force under Toledo, in the summer of 1813. In 1815 proceedings were instituted in the district court of the United States for Louisiana, against General Toledo, Dr. John Robinson, and others, for violating, or attempting to violate, the neutrality of the Republic in aid of the governments of the United Provinces of New Granada, and of the United Provinces of Mexico. The vigilance of the authorities prevented expeditions on a large scale, adventurers from the United States occasionally passed to and from Texas —some to try their fortune in the war, others returning after it had been made or marred. As a means of lessening the resources of Spain, and recruiting their own, the agents and partisans of the Mexican revolutionists resorted to the system of nautical brigandage, which is covered by the specious name of privateering. To carry on this profitable branch of warfare with the due formalities, suitable points were selected on the coast of Texas for accommodating privateers cruizing under the Mexican flag, and disposing of their prizes before a Court of Admiralty. Galveston, called also San Luis, and by some Snake, Island, besides being the centre of these operations, afforded a convenient rendezvous for foreign expeditions in aid of the Revolution.

At the period when the star of Morelos seemed to be in the ascendant, and the prospects of the insurgents steadily brightening, the Revolutionary Cortes appoint-

ed Don José Manuel de Herrera (a priest), an agent of the embryo Republic in the United States. From Herrera, who chiefly resided at New Orleans, Commodore Aury, a naval adventurer of French origin, received a commission as governor of the Province of Texas, and general in the Mexican Republican army. In his capacity of governor, Aury took formal possession of Galveston Island, at that time a desert, without maritime intercourse, and with no habitations of any kind, except three or four cabins built of boards and sails of vessels. The object and character of the occupations is thus described by the Collector of Customs at New Orleans, in a letter addressed to Mr. Crawford, secretary of the Treasury of the United States, dated August 1st, 1817:—

"I deem it my duty to state that the most shameful violations of the Slave Act, as well as our revenue laws, continue to be practised with impunity by a motley mixture of freebooters and smugglers, at Galveston, under the Mexican flag, being, in reality, little less than the re-establishment of the Barrataria band, somewhat more out of the reach of justice. * * * * The establishment was recently made there by a Commodore Aury, with a few small schooners from Aux Cayes, manned, in a great measure, with refugees from Barrataria, and mulattoes."

For the information of the European reader, in whose mind the name of Barrataria is perhaps associated exclusively with the government of Sancho Panza, a short explanation of the Collector's allusion may be desirable. Near the lake of Barrataria, which communicates with the Mississippi, and lies about sixty miles westward of

its mouths, are some islands which were frequented by fishermen only, until they were seized on by a band of pirates headed by a man named Lafitte. In audacious courage and sleepless activity, this modern corsair rivalled the buccaneers who, a century before, plied their calling in the Mexican Gulf. Lafitte and his associates respected no flag, not even that of the neighbouring States whose territory they infested. In the course of two years, more than 100 merchant ships became their prey. After pillaging their cargoes and murdering the crews, they burnt the vessels—keeping the commerce of those seas in constant alarm. The co-operation of Lafitte, valuable from his local knowledge, was requested by the English commander on this station, in aid of the expedition against New Orleans, in August, 1814. The pirate and his band, in which were a number of Louisianians, refused to join a foreign invader; but the government of the State, ignorant of the patriotic dispositions of the Barratarians, despatched a flotilla against them, expelled them from their hold, and captured their vessels and stores. Lafitte afterwards obtained the pardon of the Federal government for himself and his associates, by forwarding to the governor of Louisiana the originals of his correspondence with the British officers.*

The Collector proceeded to state that Colonel Perry (who commanded the Americans in Texas, after the secession of Ross), was, in this new community, the leader of between eighty and ninety men, who had been enlisted, principally as soldiers, within the jurisdiction of the United States; and that Herrera, with a few followers from New Orleans, brought up the rear, and

* Barbe Marbois Hist. &c. de la Louisiane.

"announced the establishment to the world by a proclamation attested by a Frenchman by the name of Morin, very recently a bankrupt auctioneer in New Orleans, as Secretary of State." After noticing the captures of vessels, "chiefly Spanish," by their numerous cruisers, which were condemned as prizes by a "pretended Court of Admiralty" at Galveston, he adds—"There is no evidence of the establishment having been made or sanctioned by, or connected with a Mexican Republic, if one be now existing"—which he greatly doubted—both from the bad character of the establishment in question, and its "ambulatory nature;" it having been transferred to Matagorda about the 5th of April, leaving only an advice boat at Galveston, "to advertise such privateers and prizes as might arrive there, of the spot on which they had fixed their new residence." It appears that, after the withdrawal of the authority of whose genuineness the Collector was sceptical, the island acquired a reputation by no means doubtful, being actually occupied as a rendezvous by Lafitte and a number of his old comrades—the pardoned "freebooters" of Barrataria, who formed a government of their own, "without even the semblance of authority from the Mexican Republic," and proceeded by virtue of "the good old rule" of their craft, to introduce vessels and cargoes into the port, and condemn them as lawful prizes.*

The fiscal vexations and perplexities of the Collector, probably caused him to pronounce an over-rigorous and sweeping judgment upon the original establishment at

* State Papers and Public Documents of the United States, vol. xi.—Boston, 1819.

Galveston. Whatever measure of delinquency might in justice be apportioned to Aury and his privateering companions, there were others who sojourned for a season on the island, whose integrity was above reproach. Of these, the most remarkable was Xavier Mina, who arrived off the coast of Texas on the 24th of November, 1816.

Mina, when he landed at Galveston, was entering upon his twenty-seventh year. Of a respectable family of Navarre, he relinquished his studies in the university of Saragossa, in 1808, and joined, as a volunteer, the ranks of his countrymen who had risen against the French. His services as a *guerilla* leader in the fastnesses of his native mountains, obtained for him the rank of Captain General of Navarre and Upper Aragon. In the winter of 1811, while engaged in a special enterprize near Pampeluna, he was taken by the enemy, after a bloody and obstinate contest, in which he fell exhausted by many wounds. The Navarrese selected his uncle Espoz y Mina to succeed him, and his achievements fully justified the choice. The captured chief was removed to Paris, and imprisoned in the castle of Vincennes, where, under the direction of some veteran officers—captives, like himself—he applied closely to the study of military science. He remained in confinement until the general peace consequent upon the abdication of Napoleon.

After the restoration of King Ferdinand, the Minas, as the supporters of liberal principles, soon fell under the royal displeasure. The malignant activity of the government caused them, without due preparation, to proclaim the Cortes and the Constitution. The attempt

being unsuccessful, Xavier Mina withdrew to France, and was imprisoned near Bayonne: being liberated, he passed over to England, where he was hospitably received. Through the medium of a friendly British nobleman, he made the acquaintance of General Scott, of the United States Army, then in this country, and was furnished with a ship, arms, and military stores, by persons favourable to his views, to enable him to assist in emancipating Mexico. With this object before him, he sailed from England for the Chesapeake, in May, 1816, accompanied by thirteen Spanish and Italian, and two English officers.

At Baltimore, Mina added an armed brig and a Spanish schooner to the expedition, procured arms, ammunition, and stores, and completed his corps, which included a large proportion of officers. On the 27th of September, he sailed for the rendezvous at Port au Prince. Having been detained at this port to refit a ship which had been dismasted by a hurricane, he made sail, on the 24th of October, for San Luis, or Galveston, Island, where he expected to find Commodore Aury, to whom he looked for useful co-operation.

The General having met with Aury, as he anticipated, disembarked the troops, and laid out an encampment to the westward of a mud fort, thrown up by the Commodore on the west side of Galveston. Active preparations were commenced for organising and equipping the troops, who were supplied with abundant rations by the revolutionary marine. Skeleton regiments were formed, in the expectation that they would be speedily filled up after making the descent, and officers were appointed to the different corps. The American officers, who did

not understand the Spanish language, were incorporated into a company commanded by Colonel Young, who had served with distinction in the army of the United States.

Unfortunately for the object of the expedition, Mina failed in securing the cordial assistance of Aury, who could have increased the infant army by between 300 and 400 men, whom he had raised for invading Texas. Of this force, Colonel Perry held the command of about 100, and, after a serious rupture with the Commodore, which had nearly terminated in bloodshed, he placed himself under the orders of Mina, who sailed from Galveston for Soto la Marina, on the river Santander, in the province of that name, on the 27th of March, 1817. The whole of the invading force on board the fleet, including sailors, mechanics, and servants, amounted to no more than 300 persons.

It was about this period that the Mexican revolutionary establishment was transferred from Galveston to Matagorda; the temporary erections on the Island having been burnt by Mina and Aury, and no authorities left to represent them or the government they served; facts which were afterwards officially notified by the Commodore to the Collector of Customs at New Orleans. Immediately after its removal, the Lafittes, and other Barratarians, who owned several of the "Mexican" cruisers, convened a meeting at Galveston, and organised an insular administration, for the special purpose of introducing their lawless captures into the state of Louisiana, to the extreme annoyance of the district Collector, who explained his embarrassments in the following terms:—"On the part of these pirates we have to contend with, we behold an extended and organised system of enter-

prise, of ingenuity, of indefatigability, and of audacity, favoured by a variety of local advantages, and supported always by force of arms: and unless they be met by correspondent species of resistance, the results of the contest are of very simple calculation."

The mode in which the buccaneer government was founded, is detailed on oath by John Ducoing, "ex-Judge of Admiralty," at Galveston, under Barratarian sway, and Raymond Espanol, a trading adventurer, and "Secretary of State" within the same jurisdiction;—

"After the departure of Mina and Aury," declares Señor Espanol, "on the 15th of April, 1817, the persons then at Galveston consisted of about thirty or forty in number, including sailors, &c., six of whom assembled on board of the schooner Carmelita, to wit: Durieux, John Ducoing, Pereneau, B. Lafon, Rousselin, Jean Jannet, and the deponent, who formed the new government. The proceedings were drawn up and signed by those present, by which certain of the persons aforesaid took upon themselves offices, namely, Durieux, Governor and Military Commandant; John Ducoing, Judge of Admiralty; Raymond Espanol, Notary Public, Secretary of State and Treasury; Pereneau, *Major du Place;* Rousselin, Administrator of Revenue; Jean Jannet, Marine Commandant. No paper or document was produced, authorising the same, or empowering them to form a government."—It is set forth in the register of the proceedings, that "not being able, under existing circumstances, to obtain a seal of state, its place will be supplied by a common one, until an official one can be procured."

The government thus summarily established had, it

is proved, no connexion whatever with any other state, nation, or people;—they had "neither knowledge nor belief in the existence of a Mexican Republic: the sole object and view of the persons comprising the establishment at Galveston, were to capture Spanish property under what they called the Mexican flag, but without an idea of aiding the revolution in Mexico," or replenishing any treasury save their own. Such was the testimony of the Barratarian Admiralty Judge and Secretary of State, given in the United States District Court for Louisiana, which was illiberal enough to annul the proceedings of the Galveston cabinet.*

The mouth of the river Santander, where Mina proposed to disembark his troops, is very narrow, and obstructed by a bar, which excludes vessels drawing more than six feet of water. The village of Soto la Marina stands upon an elevation on the left bank of the river, about sixty miles from the *embouchure*. This village was occupied by the invaders without opposition. The first advantage gained over the royalists, on the field, was achieved by Colonel Perry, who commanded the American Regiment of the Union.

* Although M. Aury repudiated his self-elected successors in the government of Galveston, it is evident, that the Commodore did not rank much higher in the opinion of the New Orleans collector, than the imitators of his policy. Both were concerned in the smuggling of negroes into Louisiana, which the government cruisers and revenue officers found it extremely difficult to prevent, owing to the numerous inlets between the Gulf of Mexico and the Mississippi. A number of Frenchmen served with Aury, but, according to an official correspondent of the United States Treasury, "his great dependence was on about one hundred and thirty brigand negroes —a set of desperate bloody dogs." When this was written the Commodore was at Amelia Island, off the Florida coast.

Mina having received intelligence that Don Joaquim Arredondo, Captain-general of the Eastern Internal Provinces, was concentrating all his disposable forces for an overwhelming attack, decided on erecting a fort, for the protection of his stores, at Soto la Marina, and then penetrating by rapid marches into the interior, where he hoped to form a junction with the insurgents. The fort was completed, armed, and provisioned, and the part of the division destined for the advance was posted on the right bank of the river.

Colonel Perry, who had for some time appeared capricious and discontented, now declared his intention to separate from Mina, and return to the United States; avowing his conviction that the division, too weak to accomplish anything of importance, would encounter certain destruction. Influenced by Perry's representations, fifty-one of his corps, including Major Gordon and the rest of the officers, quitted the camp with him, and commenced their march in the direction of Matagorda. No one believed it possible that Perry could traverse the long line of intervening country, with so small a company, opposed as he would be, by the royalist troops and numerous tribes of Indians. But, to the general astonishment, he did make good his way, contesting every league of ground until he reached the scene of his former exploits, the town of La Bahia, not far from Matagorda. At this place he fought his last battle, and, in proportion to the numbers engaged in it, the bloodiest on record. Flushed by his victorious progress, he had resolved on attacking this strong position, although he had been unmolested by the garrison, but, at the moment when the Spanish commandant was de-

liberating on the summons to surrender, a party of two hundred royalist cavalry appeared. Encouraged by the reinforcement, the garrison sallied out against the Americans, and the action was maintained until every man of the band was killed except the leader. He, when all hope of the day was gone, retreated to a neighbouring tree, and presenting a pistol to his head, fell by his own hand rather than surrender to the foe. Perry, who, whatever might be his faults, possessed a dauntless spirit, had served in the army of the United States, and was present at the battle of New Orleans. In the disastrous affair at the Medina, he had a hair-breadth escape, and suffered extreme hardships and privations before he reached the United States.

The successful progress of Mina with his scanty numbers was extraordinary; the greatest strength of the division during its advance from the coast to the interior, presenting a total of only 308, including officers, soldiers, and servants. His first collision with the enemy was on the 8th of June, 1817, at Valle de Mais, where he routed a body of cavalry 400 strong. At Peotillos, on the 14th of the same month, with 170 fatigued infantry and badly mounted cavalry, he defeated, in a plain, upwards of 1,700 men; his loss, however, in killed and wounded amounted to fifty-six. The Spanish order of the day, which was found upon the field, expressly forbade quarter. On the 18th, he stormed without loss the fortified town of Real de Pinos, in Zacatecas, containing a garrison of three hundred men. On the 24th, he reached Sombrero, where he was welcomed by a revolutionary corps, having effected a circuitous march of 660 miles in thirty-two days. His division on arriv-

ing at Sombrero, amounted to 269 men, rank and file. From this place he made a formal offer of his services to the Revolutionary Junta.

Whilst stationed in this quarter, Mina went in quest of the royalists, whom he defeated, reducing likewise the Hacienda of Jaral, where he found much treasure. To counterbalance these advantages, Arredondo captured the fort at Soto la Marina; Sombrero also was invested by the royalists, and the garrison, unable to maintain it, were obliged to cut their way through the enemy to the headquarters of another soldier priest, General, or Padre, Torres, who commanded at the fort of Remedios. On the 31st of August, the royalists, under General Liñan, advanced and laid siege to Remedios, which Mina, checked by a very superior force, tried in vain to relieve. Unsuccessful in several desultory engagements, and unsustained by the insurgent leaders, the guerilla chief was ultimatey surprised and captured by the Spanish General Orrantia at Venadito, on the 27th of September, 1817. By an order from the Viceroy Apodaca, Mina was shot at the head-quarters of Liñan before Remedios, on the 11th of November. So important an event was his death considered by the Spanish court, that the viceroy was honoured with the title of Count of Venadito, while Liñan and Orrantia obtained the decorations of a military order. The general, when cut off, was in his twenty-eighth year. He united the qualities of a gentleman and a soldier; his habits were simple, his feelings humane, his sentiments generous. In his external appearance there was nothing remarkable; he was about five feet seven inches in height, of a slight, but symmetrical, form. The failure of Mina's expedition was mainly at-

tributable to insufficiency of means, the decline of the revolutionary spirit, and the jealousy of the insurgent chiefs, the ablest of whom were then inactive. Torres, the debauched priest, who held supreme authority at Remedios, secretly thwarted the young commander, whom he disliked from an uneasy sense of his superiority. Mina was, moreover, a "Gachupin," and advocated constitutional liberty without separation from Spain—circumstances which of themselves must have formed insuperable barriers to his retention of power among the Spaniard-hating Mexicans.

After the death of Mina, violent dissensions broke out among the insurgent leaders, who were never cordially united, until every town and fortress of note fell into the hands of the royalists. In 1819, the revolutionary cause was at the lowest ebb. Torres had surrendered to the government—Guerrero, Arago and Guadalupe Victoria were forced to seek refuge in the mountains. The viceroy declared, in a despatch transmitted about this time to the government at Madrid, that he would answer for the safety of Mexico without a single additional soldier. The restoration of the Spanish Cortes in 1820, produced an alteration equally sudden and complete. Before entering upon the consequences of that event, certain hostile movements that occurred in Texas during the year 1819 remain to be described.

A meeting convened for the purpose of organizing an expedition in aid of the revolutionary cause in Texas, was held at Natchez on the Mississippi in 1819. Of the enterprise then resolved upon, General Long was appointed leader. He started in June at the head of about seventy-five followers, who were increased upon

the march until, when he reached Nacogdoches, they exceeded 300. The expedition proved unfortunate, the town of Nacogdoches was destroyed, and the whole of the inhabitants in the eastern part of Texas were driven by the Spanish troops across the Sabine.* Defeated on the Brazos and Trinity, Long collected the remnant of his forces at Bolivar point, and departed for New Orleans, to obtain supplies and auxiliaries. With a view to raise pecuniary aid, Trespalacios, a Mexican general, was invited to the nominal command, who sailed with Colonel Milam for Vera Cruz, while Long prosecuted the war in Texas. He attacked and captured La Bahia, but, after three days' siege, was compelled to surrender it. By the perfidy of the Spanish commandant at Bexar, Long and his force, amounting to 180, were made prisoners, and after many adventures, conveyed to the city of Mexico. There General Long terminated his career, having been shot by a soldier, as he was entering a public office to settle some claims upon the government. His men were drafted into the Mexican service, and ultimately released and sent home to the United States, through the interference of Mr. Poinsett, the American envoy. To complete the narrative of events in Texas, previous to the separation of Mexico from Spain, it is requisite to notice a settlement formed on the Trinity River by emigrants from France.

Several military officers who had joined the banner of Napoleon after his return from Elba, to avoid an appearance before the tribunals, retired on the restora-

* "Many families took refuge near to Natchitoches, in the State of Louisiana, where they lived for some time on the hospitality of that generous people."—*Almonte.*

tion of the Bourbons to the United States, where they were hospitably received. In 1817, a tract of 92,160 acres was assigned them, on terms almost equivalent to a gift, on the borders of Alabama, on condition of introducing there the culture of the vine and olive. Soldiers are rarely successful agriculturists, particularly when placed upon the uncleared lands of a new country: of the settlers in Alabama some relinquished farming altogether, and others, though they quitted the locality of their grants, persisted in their original design.

Among the latter were Generals Lallemand and Rigaud, who with a small body of soldiers and labourers, in the hope of finding a country as attractive to them as *La Belle France*, turned their steps towards Texas, and advancing towards the interior beyond the Bay of Galveston, selected a post to which Lallemand gave the name of *Champ d'Asile*. The season was adverse, and the habits of the settlers not well adapted to their situation, but game was abundant, and they succeeded in establishing a petty traffic with the Indians, so that, encouraged by the prospect, Lallemand began to fortify the post, to prescribe regulations, and to invite other emigrants. An unforeseen obstacle arrested these proceedings. The Spanish authorities directing the exiled general to discontinue his endeavours or acknowledge the sovereignty of Ferdinand, marched against the settlement of *Champ d'Asile*, which, unable to resist, was broken up. "These unfortunate men," says Barbé Marbois, "fugitives from their own country, were expelled from a territory where the Aborigines had received them with hospitality, and which ought to have belonged only to those who were the first to occupy it beneficially."

The first revolutionary outbreak in Mexico was opposed by the higher orders of the clergy, and, for causes previously explained, but coldly regarded by the more opulent Creoles. The re-establishment of the Spanish Constitution, in 1820, having been followed by some formidable inroads on the property and prerogatives of the Church, the Mexican hierarchy was moved to consider separation from the mother country as the only step by which its possessions and privileges could be secured from sacrilegious invasion, and a congenial retreat from his rebellious subjects provided for Ferdinand VII. With these views and impressions, they supplied funds to Don Augustin Iturbide, an ambitious Royalist officer of Creole birth, who, coalescing with his former opponents of the independent party under Guerrero, proceeded to the little town of Iguala, on the road to Acapulco, and on the 24th of February, 1821, proclaimed a project of separation, embracing the following propositions:—Mexican Independence of Spain;—the offer of the Crown of Mexico to Ferdinand, and, failing him, to the other members of the Royal Family in succession, on condition of residence in America, and fealty to the constitution to be established by the Cortes;—full security for the supremacy of the Roman Catholic faith, and the immunities of the clergy, regular and secular;—the abolition of all distinctions of classes, and the union of Spaniards, Creoles, Indians, Africans, and castes on the equal footing of free citizenship. For the support of this project—since celebrated as the Plan of Iguala—an army was to be raised, to be styled, "The Army of the Three Guarantees," to preserve the Holy Apostolic Catholic Religion, the independence of Mex-

ico, and the union between the Spaniards in Mexico and the Americans of the South. The "Plan" was approved by the troops on the spot, who bound themselves to its support by an oath. A new Viceroy, O'Donoju, arrived at Vera Cruz from Spain, and, finding it useless to contend against the general demonstration in favour of national independence, negotiated a treaty with Iturbide, which embraced the principal provisions of the plan of Iguala. It was called the Treaty of Cordova, from the place where it was adopted. Opposition was now arrested, the capital occupied, and a Provisional Junta installed, of which Iturbide was appointed President, for the purpose of making arrangements for assembling a National Convention, to frame a constitution for the new monarchy. The first Mexican Cortes met on the 24th of February, 1822, and the members, by their oaths and their votes, yielded an unanimous sanction to the Plan of Iguala.

The unanimity was short lived. The Cortes became divided into three factions:—the Bourbon monarchists, the Republicans, and the personal adherents of Iturbide. The last, adroitly manœuvring between the other two parties, and backed by the army, prevailed; and, on the 19th of August, "Augustin I., Emperor of Mexico," was proclaimed in the hall of the Cortes, by the united voices of the soldiers and the city rabble, amidst the brandishing of swords and knives. Had the elect of the tribune and the camp been guided by prudential considerations, he might, perhaps, have continued to maintain a modified authority; but, forgetting the unstable foundation of his throne, he attempted too early and too comprehensively to introduce the simplicity of Absolutism

into the machinery of his administration. A law for the establishment of military tribunals was indignantly rejected by the Cortes. Iturbide retaliated by imprisoning the most distinguished members of that body, and ultimately by proclaiming its dissolution, proposing, as a substitute, a Junta of his own nomination. The Junta, forty-five members of which were selected by the Emperor from the ranks of the disbanded Cortes, met in November, and acted as the ready echo of the imperial will. The republican standard was raised at Soto la Marina; the haughty dismissal by Iturbide of his former supporter, General Santa Anna, (Santaña) from the government of Vera Cruz, induced him to follow the example, and to announce a Plan for re-assembling the Cortes, and protecting its deliberations. He was joined by Victoria and Echavarri; Generals Bravo and Guerrero took the field on the same side. Disaffection spread throughout the provinces, part of the Imperial army revolted and published the Plan of Casa Mata; and, on the 19th of March, 1823, Augustin I. communicated to the Cortes his resignation of the Imperial Crown,—the assumption of which was decreed to be an act of violence, and null—and embarked, with his family and suite, for Leghorn, on the 11th of May.*

A temporary executive was appointed, consisting of Generals Victoria, Bravo, and Negrete, who were to ad-

* From Italy Iturbide proceeded to London, and made preparations for returning to Mexico; in consequence of which, Congress, on the 28th of April, 1824, passed a decree of outlawry against him. He landed in disguise at Soto la Mariana, 14th July, 1824, was arrested by General Garza, and shot at Padilla, by order of the Provincial Congress of Tamaulipas, on the 19th of that month.

minister the affairs of the country until a new constituent Cortes, which was immediately convoked, could be assembled. By this body, which entered upon its functions in August, 1823, the Federal Constitution of the Mexican Republic, modelled after the Constitution of the North American Union, was decreed on the 31st of January, 1824, and definitively sanctioned in October of the same year.*

The framers of this instrument proceeded upon the assumption that institutions the most free and enlightened may be successfully administered by and among an ignorant, indigent, and degraded people. Yet they were not altogether mere copyists of Washington and his compeers. Although the States adopted what is usually termed "Universal Suffrage"—conferring the franchise without distinction of colour or class—the voters were only empowered by the Constitution to choose "electoral colleges," by whom the representatives were to be selected. They neither introduced trial by jury, nor did they provide for publicity in the administration of justice. These omissions were palpable deviations from the great Northern model; but they ventured on another, which stamped the unequivocal sign of its Hispano-American origin on their Constitution. The third article decreed that—"The Religion of the Mexican nation is, *and will be perpetually*, the Roman Catholic Apostolic. The nation will protect it by WISE AND JUST LAWS, *and prohibit the exercise of any other whatever.*"

To forestall the consciences of posterity, and to coerce

* This document will be found in the Appendix, at the end of the work—No. 1.

those of the existing generation, for the propitiation and aggrandisement of an intolerant and oppressive hierarchy, was the object of an elementary article in the Charter of mutual rights, framed by men who, after long struggling to be disenthralled, had but just emerged into the light of freedom, bearing fresh upon them the traces of their bondage!—Strange inconsistency!

The States and Territories included in the Federal Union were necessarily designated before the formal promulgation of the Constitution. A decree of the Constituent Cortes, dated the 7th of May, 1824, declared, that Texas should be annexed to Coahuila, until it possessed the elements necessary to the formation of a separate State, when, with the approval of the National Congress, the connexion was to be dissolved, and an independent State legislature given to Texas. The inviolability of the fundamental articles of the constitutional compact was solemnly proclaimed by its framers, who, guarding against popular levity and legislative caprice, inserted this precautionary provision:—"The articles of the Constitution and the Constitutional Act, which establish the Liberty and Independence of the Mexican Nation, its Religion, form of Government, liberty of the Press, and *division of the Supreme Powers of the Federation, and of the States*, CAN NEVER BE REFORMED."

CHAPTER IV.

Intended Spanish Colony in Texas—Moses Austin—His origin, character, and pursuits—Spanish system of granting waste lands—Austin's project of colonising Texas—Journey to San Antonio and its results—Continuance of Moses Austin's enterprise by his son Stephen—Settlement of the first Colony on the Brazos—Difficulties respecting the concession—Stephen Austin's Visit to the City of Mexico—Delay occasioned by political changes—Ultimate confirmation of the grant—Internal affairs of the Colony—Empresario Grants.

During the long intervening period between the expedition of Alonzo de Leon in 1698, and the achievement of Mexican independence in 1821, it has been seen that no substantial advances were made towards the beneficial colonization of Texas. Apart from the politico-monastic character of the Spanish settlements, it was found that the Zamboes and other low castes who were detached to the north-eastern frontier of Mexico, were too lazy to cultivate the soil, and too cowardly to resist the aggressions of the Northern Indians, by whom they were plundered at will. The Mexican Creoles, disliking agriculture, and engaged in working the mines and raising stock, had no inducement to withdraw from safe and populous districts to a remote frontier province, in which two or three ill-defended posts barely extended the semblance of protection to the settlers residing in their immediate vicinity.

With a view to introduce a better system, or more probably, to provide against apprehended encroachment, after the cession of Louisiana to the United States, the

Spanish government projected the establishment of a European colony on the fertile lands that border the river San Marcos. The colony was to have consisted of 3,000 persons, natives of Old Spain, and an intelligent officer, General Grimarest, was chosen to undertake its direction. The expedition was on the point of sailing from Cadiz in 1804, when the capture of the four Spanish frigates off that port, in October of the same year, by Captain Moore, and the subsequent declaration of hostilities between Spain and England, rendered it impracticable. From the year 1810 to 1819, when the revolt in Mexico had been apparently suppressed, the spear superseded the ploughshare on the prairies of Texas, and barred the approach of the peaceful colonists.

By the treaty between Spain and the United States, concluded at Washington on the 22nd of February, 1819, East and West Florida, with the adjacent islands, were ceded to the latter, and the boundaries between the possessions of the two nations, west of the Mississippi, established as they were subsequently confirmed by a treaty of limits with the Mexican republic. The pretensions of the United States to Texas, as a part of Louisiana, having been finally disposed of by the stipulations of the Florida Treaty, the Spanish government was seemingly in a condition to offer satisfactory assurances to all persons desirous of obtaining grants of land westward of the Sabine. The first Anglo-American that availed himself of permission to introduce a colony into Texas was Moses Austin, whose indomitable spirit of enterprise is eminently characteristic of the people from whom he sprang.

Moses Austin was a native of Durham in Connecticut, a New Englander, or, in facetious phrase, a "Yankee"—one of those intelligent and persevering "Scots" of the Union, who, reared in a naturally poor country, migrate to new and more promising regions in quest of independence, and show themselves deserving of success by their enlightened views and steady habits of industry and order. At a very early age Mr. Austin, impelled by a desire to enlarge both his experience and his means, left his native State and joined an extensive mercantile firm in Philadelphia, of which his brother Stephen was the head. In his twentieth year he married, in that city, Miss Maria Brown, a lady of superior mental endowments, and shortly afterwards removed to Richmond, in Virginia, for the purpose of extending the business of the house. After conducting this branch of the establishment for some years, in his own name, he purchased, jointly with his brother Stephen, the lead mines called Chessel's Mines, on New River, Wythe County, Virginia; and commenced the mining and manufacture of lead on an extensive scale. He was the first person who established a manufactory of shot and sheet lead in the United States, introducing the necessary miners and mechanics from England; and his elder brother was the first who fitted out a ship on a sealing voyage to the north-west coast of America, and thence to the East Indies and China, opening thereby an important branch of commerce.

Owing to causes beyond his control, the firm sustained overpowering reverses, and the speculation in Virginia disappointed his expectations. Receiving very favourable reports of the lead mines of Upper Louis-

iana (now Missouri), he resolved to explore that distant and then almost unknown country. Having procured the necessary passports from the Spanish Minister to the United States, he visited Upper Louisiana in 1799, and obtained from the Governor-General, Baron de Carondelet, a conditional grant of a league of land, including the Mine-a-Burton, since called Potosi, forty miles west of St. Genevieve. After winding up his affairs, he removed his family, with a number of others, from Wythe County, by a new and almost untried route, down the Kenhawa River, in 1799, and originated the settlement of the present county of Washington in Missouri. To comprehend the difficulties attendant on this undertaking, it is necessary to bear in mind that to Missouri improvement was, at that period, a stranger. From Louisville to St. Genevieve, between which points were embraced the present States of Indiana and Illinois, the whole tract was a wilderness, traversed by prowling savages only, with the exception of a few French settlers on the Wabash and Kaskaskia. The family of his nephew, Elias Bates, was the first, and his own the second, that ever spent a winter at Mine-a-Burton. Durham Hall, the seat which Mr. Austin raised in the uncultivated wilds, was for years the centre of the domestic virtues and an expanded benevolence. His upright character and public spirit won for its owner the affectionate respect of the early settlers. Industry was considerately stimulated and generously rewarded under his influence, and the beautiful village of Herculaneum, springing up as if by magic, indicated the prosperity which had repaid the meritorious exertions of him who might be termed the genius of the place. Unhappily, the exer-

cise of those qualities which were most honourable to his nature, was followed by a second ebb of his fortunes; yet, though declining in the vale of years, his native ardour and buoyancy of spirit were neither chilled nor depressed. In the hour of adversity he turned his eyes towards Texas, and organised a plan for drawing forth the neglected treasures of its exuberant soil by the introduction of Anglo-American labour.

An essential preliminary to the execution of his project, was the approval of the Spanish government, which he was advised to solicit through the authorities in New Spain. In the event of his application being successful, Mr. Austin contemplated the removal of a number of emigrant families in a body through Arkansas Territory. With this intention, his son, Stephen Fuller Austin, was sent to Long Prairie, on Red River, with the requisite hands and supplies for opening a farm near the boundary line, which might serve as a resting place and depot of stores, until arrangements for the reception of the settlers had been made in the land of their destination. Should the enterprise fail, it was calculated that the farm might be advantageously sold, or retained as a cotton plantation. In consequence of information collected on Red River by the younger Austin, the scheme of the farm was abandoned. At a meeting between Stephen and his father at Little Rock, in Arkansas, in the summer of 1820, it was arranged that the former should proceed to New Orleans, and the latter to the capital of Texas. Stephen was commissioned to enter upon preparations for the transport of emigrants, and to be in readiness to quit New Orleans for the Havannah,

should it ultimately be found necessary to appeal for permission to colonise, to the government in Spain.

Though unfortunate in his career of extensive commercial enterprise, Moses Austin was no dreaming projector, but a persevering man of thoroughly practical ideas. In selecting Texas as a field of speculation, he did not yield to the prompting of a spirit of romantic adventure. He had heard of the great natural advantages of the province from the Americans who had returned from the campaigns of 1812-13, and his residence in Upper Louisiana, from 1799 until the transfer of the country to France in 1803, had made him acquainted with the system that regulated the grant of lands in the Spanish colonies. This system was devised and controlled by the Council of the Indies, and owing to its inherent defects, but much more to general and local mal-administration, the territorial resources of the American possessions of Spain were squandered with the same disregard of economic results that has, until lately, been evinced in the appropriation of waste lands in the dependencies of Britain.

In the Spanish colonies, lands were conceded by the Crown to all inhabitants, whether native or naturalised, who professed a desire to occupy and cultivate them; the only payment required being comprised in fees to the surveyor and the officers who drew up and registered the titles. The first step towards obtaining a grant was to present a petition to the governor, or sub-delegate, both of which offices were sometimes united in the same person. The authority addressed referred the petition to the surveyor, for the purpose of ascertaining whether the land applied for was vacant, and royal domain.

From the surveyor it was passed to the Fiscal (legal adviser of the Crown), to decide upon the legality of the grant. If the lands prayed for were adjacent to a military post, lest their settlement should interfere with defensive operations, the chief engineer was consulted. When all these officers had reported favourably to the petitioner, the decree assigning the grant was made, and forwarded to the Intendant for confirmation.

According to the regulations, the extent of the grant was to be determined by the means of improvement possessed by the petitioner, and by the amount of his credit with the sub-delegate. One hundred *arpents** were usually allotted to the heads of families, fifty to each child, and twenty-five to each slave. A favourite with the government might, however, be accommodated almost to the limit of his wishes, but a complete title was rarely bestowed until the grantee was capable of proving actual residence on the soil, with tillage or grazing use, for a specified term, which was usually ten years. For pasturage, fine lands were often granted to the extent of ten or fifteen thousand acres, and the premium for erecting a saw mill was sixteen thousand.

As an encouragement of every description of merit, and a reward of every species of service in peace and war, including not a few of a very dubious character, lands were prodigally distributed. When a petitioner proved that he had rendered services to the Crown, or sustained losses in its employment, or by its agents, or had pecuniary claims upon it, a grant of land was the ordinary mode of compensation. In such a case, the regular course was to file the audited account on the

* An *arpent*, or French acre, is about four-fifths of an English acre.

"protocol," endorsed as discharged by the grant, and the certificate of conveyance recorded the transaction. Spain, needy and improvident, was often unable to pay the salaries of her colonial officers, who, obliged to levy from the colonists irregular contributions for their maintenance, gave, as the only return in their power, what they might consider an equivalent in land.

In the disposal of Crown lands, the law required of the purchaser the same qualifications as of the grantee, and the regulations prohibited the sale of a larger quantity to the former than he might be competent to till or pasture. Lands were always sold, as wanted, at auction, a *minimum* price having been previously affixed by the Fiscal or his deputies.

A very slovenly system of management prevailed in the land offices. All grants were marked with the year in which they were made, and bound up in large bundles called protocols; but the petitioner was subjected to much delay and expense in ascertaining whether the land he applied for was open to settlement. Through the blunders of the officer whose duty it was to determine the fact of occupancy, grants were occasionally surveyed on appropriated land; in which case, the remedy lay with the sub-delegate, who could authorise a survey on an unoccupied tract. When it happened that lands granted for agricultural purposes were found on trial to be unfit for tillage, the privilege of removal to a suitable location was conceded by the authorities on becoming legally satisfied of the circumstances.*

In the hope of concluding an arrangement on liberal terms with a government generally so profuse of its

* William's Florida, New York, 1837.

waste lands, Moses Austin departed on his long and dangerous journey to San Antonio de Bexar, to submit a petition to the provincial chief. But, in his calculation of difficulties, he had forgotten the prejudice which might be entertained against him as an Anglo-American. Early in December, 1820, he arrived at San Antonio, where, instead of being received with the attention he anticipated, he was treated as a suspicious intruder, and ordered to quit the province with all possible speed. In vain did he solicit a dispassionate hearing from the Governor, Don Antonio Martinez, concerning the business of his mission, or plead that, although without a passport, he had been a Spanish subject in Louisiana; the order for his departure was imperative, and he was peremptorily informed that he would continue to linger at his peril. Disappointed and disgusted, he retired from the Governor's house, to arrange for his return. In crossing the public square, he unexpectedly encountered an old acquaintance in the person of the Baron de Bastrop, one of the local magistrates, to whom he explained the motive of his journey, and the treatment he had received. The Baron, who possessed both sagacity to appreciate the project and influence to aid its author, volunteered to bring the proposal under official cognisance, with an expressed conviction that it would be favourably entertained. The same evening Austin was attacked by fever, and the order for his immediate expulsion was suspended. In the course of a week, when recovering from illness, he learned that his friend the Baron had interposed successfully with the Governor. It was not in the power of the provincial authorities to grant the petition for

permission to establish a colony, but His Excellency and the Ayuntamiento of Bexar promised to forward it, with their recommendation, to Don Joaquim de Arredondo, Commandant-General of the Eastern Internal Provinces at Monterey in New Leon. The memorial for leave to settle three hundred families of Louisiana in Texas was transmitted accordingly; but, before the result of the application could be ascertained, Austin left Bexar in January, 1821, for the United States, De Bastrop having agreed to act as his representative during his absence.

The journey homewards was attended by extreme suffering and hardship. From Bexar to the Sabine, Texas was then a total solitude, the settlements at Nacogdoches and its vicinity having been destroyed by the Spaniards in 1819. Robbed and deserted by his fellow-travellers, Austin was left alone on the prairies, nearly two hundred miles from any habitation, destitute of provisions and the means of procuring them. In this wretched situation, with nothing to subsist upon but acorns and pecan nuts, he journeyed onwards for eight days, constantly exposed to the weather, at the most inclement season, swimming and rafting rivers and "creeks," until he reached the hospitable roof of an American settler, twenty miles from the Sabine. Worn down with hunger and fatigue, he was unable to proceed further. His constitution had received a shock, from which it never recovered. After recruiting his strength, he resumed his course, and arriving in Missouri in spring, commenced preparations for removal to Texas, but a cold which had settled on his lungs, produced an inflammation that terminated his existence, a few days after

the gratifying intelligence was communicated to him of the approval of his petition by the Spanish authorities at Monterey. He died on the 10th of June, 1821, in his fifty-seventh year, leaving as a last injunction to his son Stephen, to prosecute his plan of Texan colonization. During a life of vicissitude and activity, Moses Austin maintained a reputation free from the suspicion of dishonour. His energy disappointement could not damp, nor misfortune subdue.*

The permission prayed for in Austin's memorial was granted by the supreme government of the Eastern Internal Provinces of New Spain, on the 17th of January, 1821. The official document of that date sets forth the expediency of permitting three hundred families to settle in Texas, according to their desire, conveyed through Austin, provided that "to the first, or principal, requisite of being Roman Catholics, or agreeing to become so, before entering the Spanish territory," they also added credentials of their good character and habits, and took the necessary oath to obey and defend the government, to maintain fidelity to the king, and observe the political constitution of the Spanish monarchy. These conditions being observed, "the most flattering hopes might be formed that the province would receive an important augmentation in agriculture, arts, and industry, from the introduction of the new settlers." A subsequent communication from the Governor of Texas intimated that, for the better regulation of the Louisianian families who were to emigrate, and during the formation of the new settlement, until the administration of justice had been provided for by the government,

* Biographical Notice of Moses Austin, by Mirabeau B. Lamar.

the settlers were to consider themselves governed by, and subordinate to, Moses Austin. Don Erasmo Seguin, a respectable citizen of Bexar, was despatched by Don Antonio Martinez, in conformity with the orders of his superior, Don Joaquim de Arredondo, as a special commissioner to the United States, for the purpose of communicating the decision of the government to Austin, and enforcing the conditions of the grant.

Stephen Austin remained in New Orleans until the arrival of the commissioner at Natchitoches, where he joined him, and, in obedience to his father's last injunction, proceeded with vigour and alacrity to undertake the conduct of the projected settlement. On the 5th of July, 1821, he started with the commissioner from Natchitoches for Bexar—sixteen Americans whom he had employed to accompany him being of the party. He arrived at San Antonio in safety, on the 10th of August, after a protracted journey, not devoid of incident; and the first point to which he directed his attention was the selection of a suitable site for his colony. He was kindly received by Governor Martinez, who acknowledged him as, in all respects, the legal representative of his father, and granted him a general permission to explore the country on the Colorado river, and to fix upon such a situation as he might deem most advantageous for the settlement.

In compliance with the Governor's request, Austin furnished a plan for the distribution of land to the settlers, which he considered sufficiently advantageous for them, besides being adapted to a wilderness country, where compact location was desirable, as a protection from the Indians. It was proposed to give to each head

of a family, and each single man above the age of twenty-one years, six hundred and forty acres, three hundred and twenty acres in addition for the wife, should there be one, one hundred and sixty acres for each child, and eighty acres for each slave. The distribution of land according to these proportions received the official sanction of the Governor, communicated in a letter to Stephen Austin, dated the 19th of August.

Leaving San Antonio at the close of August, he proceeded to La Bahia, where, having procured a guide from the Alcalde, he, with the remainder of his company of Americans, now reduced to nine, explored the River Guadalupe down to the bay, and endeavoured to wind round the bay shore to the mouth of the Colorado. Involved in difficulties among the numerous tide inlets, by the ignorance of the guide, he dismissed him, and bore up north until he struck the road at the crossing of the La Baca. Having explored the country between the Brazos and Colorado, he was satisfied of its eligibility as the seat of the future settlement, and time has since established the prudence of his choice. He now directed his course towards the United States, to arrange for the shipment of emigrants.

On his return to New Orleans, he advertised for emigrants in the public prints, giving full explanations of the conditions on which they were to be received. The advertisements promised to settlers the proportions of land authorised by the letter of August 19th from the Governor of Texas. No charge was attached to the grants except the payment to Mr. Austin of twelve and a half cents per acre, to be disbursed in instalments, in produce of the country, after receipt of title—Mr.

Austin taking upon himself the cost of surveying, as well as all other fees, stamps, and charges, the expense of translating Spanish documents, with the trouble and labour of attending to the business and procuring the deeds. Out of the funds thus raised, he proposed to aid poor emigrants, and provide for local administration and defence. It was evident that a fund of some kind was essential to the success of the settlement, and to raise it by voluntary contribution, or by a tax, or otherwise than by preliminary contract, Mr. Austin believed to be impracticable. He had submitted the question in its various bearings to the Governor of Texas, and requested his opinion as to whether the authorities would be likely to interfere with such an arrangement between him and the settlers. It was stated in reply, that the government would expect strict compliance with its own prescribed conditions as to the number and character of the settlers, but there appeared to be no reason why it should interfere with any private arrangement, legally and fairly made, of the kind indicated. The case was supposed, that should nine hundred families apply for admission, no more than three hundred of them could be accommodated, and the contractor would therefore select those only who chose to accede to the proposed terms. The answer was, that, if no fraud, or deceptive allurement, were held out to mislead, even such an arrangement as that, freely and voluntarily made, and understood by all parties, would not be impeded by executive interference. In conclusion, however, the Governor remarked that it was only matter of opinion with him, as he was unable to say what the supreme authority might do under these circumstances. After this ex-

planation, Mr. Austin deemed himself justified in providing means for remunerating himself and promoting objects of general utility in the mode specified.

The terms announced in the journals of Louisiana and Mississippi for Texan emigrants were attractive, and many persons evinced an inclination to avail themselves of them; but, at the commencement, means of transport were wanting. By the liberality of a friend (Mr. J. H. Hawkins), a schooner called "The Lively" was placed at Mr. Austin's disposal, fitted out with provisions, arms, ammunition, seed corn, and agricultural implements, with directions to sail from New Orleans for Matagorda Bay, and thence up the Colorado to an eligible landing-place. The Lively proceeded on her voyage in November, 1821, with eighteen emigrants on board, whilst Austin, accompanied and followed by others, went by Red River to Natchitoches, and thence travelled by land to the "crossing" of the La Bahia road, on the Brazos river, where he arrived in December, and broke the silence of the wilderness with the stir of industry. Leaving his hardy followers to ply the axe on their lands, he proceeded to the coast, in the hope of meeting the Lively at the entrance of the Colorado. The schooner never arrived, and Mr. Austin, after waiting three months in daily expectation of her appearance, and having sustained the severest privations, aggravated by the sickness of hope deferred, re-ascended the river to the La Bahia road, where he was met by his brother James, with whom, and in company with twenty others, he journeyed to San Antonio, where he arrived on the 15th of March, 1822. On making his report to the

Governor, he received an intimation alike unexpected and unwelcome.

In August, 1821, when Stephen Austin first visited San Antonio, he was apprised of the adoption of the Plan of Iguala, and the establishment of Mexican independence, during the spring of that year. The Spanish Governor of Texas, Martinez, had not been superseded, and his official acts relating to the New Settlement were no longer those of a functionary of old Spain, but of independent Mexico. Under these circumstances, Austin was painfully surprised to learn that it would be necessary for him to proceed immediately to the capital, in order to procure from the Constituent Cortes, then in session, a confirmation of the permission granted to Moses Austin, and receive special instructions as to the distribution of lands, and other details connected with the grant. Although totally unprepared for such a journey, it was idle to complain, and there was no time for hesitation. Consigning the management of the infant colony to a man of judgment and discretion, he quitted San Antonio for the city of Mexico, in company with Dr. Robert Andrews, on the 20th of March, 1822. After a harassing journey of 1200 miles, over roads infested with deserters, robbers, and hostile Indians, he reached his destination on the 29th of April, arriving just in time to witness the rise and fall of Iturbide.

The Constituent Cortes, summoned in accordance with the provisional adoption of the Spanish Constitution, was still in session, and several Americans were in attendance (among them General Wilkinson, whose connexion with Burr's projects has been noticed, and Hayden Edwards, whose name will afterwards arise),

all of them petitioning the new government for concessions similar to that which had been obtained from the Spanish authorities by Moses Austin. The result of these applications was the appointment of a committee to frame a general law of colonization. Austin pleaded the peculiar features of his case, as entitling him to the benefit of a special enactment; but the committee reported in favour of a general bill, which, having been discussed, had approached its final stage, when Iturbide unceremoniously ejected the national representative body, and nominated instead a *Junta Instituyente*, composed of his chosen partisans. This event again threw open the question of a colonization law. Proceedings on the subject were, however, speedily resumed; another committee was appointed, and a new law reported, differing but slightly from its predecessor, which finally passed, was approved by the Emperor, and officially promulgated on the 4th of January, 1823. Don Jose Manuel de Herrera, the Minister of Exterior and Interior relations (formerly agent at New Orleans), and Don Andres Quintana, his deputy, being favourable to foreign settlement, Austin experienced little difficulty in accomplishing the object of his visit. The Council of State reported their opinion of his claim on the 14th of January, and, on the 18th of February, an imperial decree, confirming the grant which had been made in his father's favour by the Spanish authorities, appeared in the public prints.* His business being, to all appear-

* No defined limits were assigned to the colony, nor any specific time prescribed for completing the conditions of settlement. In these particulars, Austin's first, or the "old" colony, as it is usually called, differs from all subsequent establishments in Texas under the Mexian Colonization Laws.

ances, concluded, he prepared to depart for Texas, and intended to have taken leave of the capital on the 23rd of February, when the gathering of another political storm arrested his movements. Generals Santa Anna and Echavarri had respectively proclaimed insurrectionary "Plans," in opposition to the Emperor, whose days of sovereignty were numbered. Deserted by the army and expelled from the throne, the acts of Iturbide were annulled by the assembly which he had forcibly dissolved. But, whatever may have been the constitutional justice of this step, it operated oppressively upon Austin, who, in consequence of the decree annulling all titles that had emanated from the deposed ruler, was obliged again to memorialise the Cortes to confirm the concession of the 18th February, or otherwise afford relief as that body might deem proper. On the 11th of April a decree was passed, referring the memorial and concession to the Supreme executive power, and suspending the law of colonization passed by the *Junta Instituyente*, on the 4th of January, until the subject should be re-considered by the Cortes. The executive confirmed and sustained the imperial concession in favour of the memorialist, by a decree of the 14th April; and thus Mr. Austin was at last enabled to return to Texas, and the management of his affairs, on the 28th of that month, after a year's vexatious detention in a city where he was a total stranger, foreign to the usages, and imperfectly acquainted with the language of the inhabitants.

On his arrival at Monterey, he applied to the executive head of the Eastern Internal Provinces for special instructions, and copies of the laws for the administra-

tion of the local affairs of the colony, which had been committed to his charge, in general terms, by the decree of the Supreme Government on the 18th of February. The application having been duly considered by the provincial authorities, they resolved, in substance, that Austin's powers under the said decree were full and ample as to the administration of justice and the general municipal affairs of the colony—that he was to command the militia, with the rank of lieutenant-colonel—that he had the right to make war upon aggressive Indian tribes—to introduce needful supplies by the port of Galveston, during the infancy of the settlement—in short, that he was empowered to maintain good order, and govern the colony in all civil, judicial, and military matters, to the best of his ability, and as equity might require, until the government should be otherwise organised, and copies of laws furnished—rendering, in the mean time, to the Governor of Texas an account of his acts, or of any important event within the sphere of his administration, and being himself subject to the Commandant-General of the Eastern Internal Provinces. The local government was thus committed to him without the guidance of written laws, or specific instructions of any kind.

On the 17th of July the Governor of Texas, Don Luciano Garcia, appointed Baron de Bastrop Commissioner to apportion the lands for the colonists, and, in concert with the contractor Austin, to issue titles to each in the name of the government. By an official act, dated the 26th of July, the Governor gave the name of "San Felipe de Austin" to the town which was to be located as the capital of the colony. The commissioner entered

upon his duties in August. In consequence of Mr. Austin's long detention in Mexico, the settlement was nearly broken up, and emigration had altogether ceased. Many of the early immigrants had returned to the United States, and a number of those who, in consequence of Austin's announcements, intended to join the colony, had stopped on the Ayish Bayou, in the vicinity of Nacogdoches, or on the Trinity—commencing in this desultory manner, the settlement of those districts. In 1824 the colony included the stipulated number of 300 families. The remaining titles and surveys were completed by Gasper Flores, a special commissioner appointed in the room of De Bastrop, who was summoned to attend at Saltillo, as a member of the Legislature of the State of Coahuila and Texas.

Hitherto the duties which devolved upon Stephen Austin though calculated to exhaust the patience and depress the spirit, were merely preparatory to the great work of colonization which had been grievously interrupted and embarrassed. An unlucky fatality seemed from the beginning to weigh upon the enterprise. The commanders of the first vessels that sailed with stores from the United States, owing probably to the inaccuracy of the charts, were unable to "make" the place of rendezvous at the mouth of the Colorado. One cargo which was safely landed was destroyed by the Caranchahua Indians, in the autumn of 1822, and four men massacred. The settlers were compelled to bring seed corn from the Sabine, a distance of several hundred miles, or to purchase it at Bexar, where it was scarce and dear. They were destitute of bread; and sugar and coffee were only present to them in hope. Their de-

pendence was on the game of the country—buffalo, bear, deer, wild turkey, and *mustangs*. But buffalo hunting was perilous among unchastised tribes of Indians, a failure in the *mast* of the woods had rendered the bears meagre and scarce, and the venison likewise was in bad condition. Wild horses, however, were fat and very abundant, and it is estimated that 100 of them were eaten during the first two years. In this condition of affairs, the withdrawal of a portion of the colonists will occasion little surprise.

To stimulate despondency and educe order out of chaos became the business of Mr. Austin, who, having complied with all the formalities required of him by the law, may be termed the "Empresario" of the first colony in Texas. While taking the necessary steps for putting the settlers in possession of their lands, he did not neglect the local government of the colony. Sensible of the impossibility of managing in person all the details of civil administration, he continued the divison of the settlement into two magisterial districts made by order of Don Jose Felix Trespalacios, Governor of Texas, and likewise formed others—directing that an *Alcalde*, or justice of peace, should be chosen by popular election in each, with jurisdiction in civil cases to the extent of 200 dollars, reserving to suitors the right of appeal to himself, on all sums exceeding twenty-five dollars. He also formed a code of provisional regulations, in civil and criminal matters, which was approved by the provincial government. In the month of September, 1824, he appointed Samuel M. Williams secretary of the local government, and aided by his most praiseworthy and gratuitous endeavours, formed a book

of record, in which the land documents and title deeds were registered with a degree of industry, care, and fidelity that entitled the agents in the work to the lasting gratitude of the inhabitants. The whole of the titles of the 300 families which constituted the settlement, were copied by Mr. Williams from the original, and were signed by the Empresario, the Commissioner, and the Alcalde, so that they might have equal validity in law as the originals deposited in the colonial archives.

Notwithstanding Mr. Austin's indefatigable endeavours for the general good, and his fidelity to his engagements, he was doomed to encounter a full share of the carping opposition which is the usual lot of those who take the lead in undertakings like that in which he was embarked. It has been already stated that, as a compensation for outlay and labour extraneous to the obligations which, as the originator of the settlement, he was officially called upon to discharge, and for certain other objects of common interest, he proposed to create a fund by contracting with the settlers for payment of twelve cents and a half per acre on their grants. The extent of those grants, be it noted, had been greatly increased beyond the quantity promised by him, through the provisions of the subsequently enacted National Colonization Law.* Still, large as his disbursements and sacrifices of time had been, and ample as were the

* By the Mexican Colonization Law of 4th January, 1823, the lowest allotment to argricultural settlers was to be a *labor* (about 177 acres English), and for those who raised stock, a *sitio*, or league square, exceeding by a fraction 4,428 acres English. Facilities for irrigation regulated the difference in the valuation of the land. A copious abstract of the Colonization Laws will be found in the Appendix to this work, No. III.

allotments conceded to the settlers, when the period arrived for paying the amount charged upon the lands by prevoius and voluntary agreement, complaint and demur arose among so many, that the Empresario, fearful of jeopardising the settlement of the country by an attempt to enforce his claims, declined accepting compliance with their engagements from any, unless it were exacted from all. The result was, the disappearance of the original contracts, and the regulation of payments on the land titles by the political chief or Governor of Texas, by a fee bill published on the 12th of May, 1824. A considerable number of the settlers being too poor to defray the immediate and indispensable charges (which comprised commissioner's, surveyor's, and office fees, cost of stamped paper, &c.), the means were procured for them by Austin, who, to get the settlement under weigh, cheerfully served them in every capacity, even, in some cases, to the selecting and locating of their lands. By exacting payment of all fees and charges in cash, from those who had cash to spare, money was raised to meet the payments to government, exigible before delivery, on the deeds of those who were destitute of funds. The mass of the settlers who paid any thing, paid in kind—giving cows at from twenty to twenty-five dollars a head, or Indian corn, at two and three dollars a bushel, in lieu of money; and the property received at this valuation was frequently sold for two-thirds less, to raise the means of sustaining the local administration, and preventing confusion and anarchy. By this expedient, rich and poor were provided for, and many persons became proprietors of leagues of land in the "old colony," who, when they

reached it, were not worth twenty dollars. Yet an outcry was excited against the Empresario, and, strange as it may seem, some of the poorer class, who were most benefited by the arrangement, joined in the vituperation of its author.

Doubtless a large proportion of the settlers did not thoroughly understand the nature of Mr. Austin's position. The only personal advantage he derived from establishing the colony was from the "premium lands" conceded to him by the government in his capacity of Empresario.* He undertook a particular class of arduous and important duties, from anxiety for the enterprise, which must have failed unless those duties had been discharged by some competent person, and no one would have accepted the trust without pecuniary recompense. His voluntary engagements involved a serious responsibility, in addition to trouble and expense. As Anglo-Americans, the settlers required translations of the laws and orders of the government, and the only persons who had acquired a knowledge of the Spanish language being the Empresario and the Colonial Secretary, they had the task of supplying the settlers with copies in manuscript, then the only available mode of communicating information. Austin, without assistance, civil or military, from the government, had noth-

* The premium granted to the Empresario by the Colonization Law of 4th January, 1823, was at the rate of three *haciendas* (fifteen *sitios* or leagues square), and two *labors* for each two hundred families introduced by him. In the absence of available labour, the lands were of little immediate value to the Empresario, who was bound to people and cultivate them in twelve years from the date of the concession, on peril of forfeiture. These regulations were altered by the State Laws of Coahuila and Texas. See Appendix No. III.

ing but his own moral influence to sustain his authority. The colony did not contain a single soldier, and, for the first five years, there were not fifty in all Texas, nor was any salary or allowance whatever appropriated to the expenses of local administration. Yet the affairs of the settlement proceeded with regularity, and with less internal dissension than might have been anticipated. To this the dispositions of the colonists themselves were, of course, mainly instrumental. The idea has been industriously circulated in the United States and Europe, that the early colonisers of Texas were chiefly criminal outcasts from the neighbouring territories. No representation could be more unfounded or unfair. Fugitives from justice might indeed cross the frontier, seeking shelter under a foreign jurisdiction, in a locality where escape was comparatively easy; but measures were adopted, both by the government and by Austin, to shield Texas from that evil; and in 1823-4, several foreign delinquents were expelled from the colony under the severest threats of punishment in the event of their return. This fact proves that the intruders could not have been numerous, as the militia, which was composed of the settlers themselves, was the only power by which their expulsion could have been effected.

"If having escaped many perils," observes Mr. Austin in a statement of authenticated facts, upon which I have drawn for many of these details,* "is to be considered as a presage that Fortune has taken this new

* "Translation of the Laws, Orders, and Contracts of Colonization, from January, 1821, to 1829, in virtue of which Colonel Stephen F. Austin introduced and settled Foreign Emigrants in Texas, with an Explanatory Introduction."—*Columbia* (*Texas*), 1837.

settlement under her protection, there is abundant reason for hoping that it will prosper in future. It was undertaken, and has been established by individual enterprise alone, without the aid of strong capitalists, and totally unsupported by troops or succors of any kind from government. In this respect, it presents an anomaly in the history of similar establishments. Independent of perils from hostile Indians, scarcity of provisions, internal dissensions, and many others incidental to an infant settlement in the wilderness, it has seen four great political changes in the government of the nation, and it has worked its way in peace and safety through them all. Those changes were from the despotic government under the Regency in 1821-22; from that to the Republic under the Supreme Executive power in 1823-24, and from that to the Federal System, which now exists." The founder of the first Anglo-American settlement in Texas might well regard his triumph over past difficulties as the pledge of an auspicious future. The heir of his father's enterprise, he dug in the heart of an alien wilderness, with the sturdy hands of a small company of freemen, the foundation of an empire, destined not only to be the centre of a superior civilization, but to reclaim from barbarism, partial or complete, millions whose energies, physical and mental, have long been wasted, or misdirected, under the combined ascendancy of sloth, ignorance, and slavish superstition.

After the confirmation of Austin's grant by the decree of the Supreme Executive of the Mexican nation, on the 14th of April, 1823, the Cortes continued to sit, but transacted little business, waiting for the Provinces to declare themselves free and sovereign States.

This declaration having been made, a new convocation was decreed, for the purpose of organising a permanent government. The delegates chosen by the separate States, besides framing the Federal Constitution, enacted a National Colonization law, empowering each State of the confederation to dispose of the public domain within its limits, on any terms that did not conflict with general statute. So soon as the State of Coahuila and Texas had organised its government,* the legislature, in accordance with the provisions of the Federal enactment, proceeded to pass a State Colonization law, and to contract with various individuals for the settlement of the several sections of Texas, as they are designated on the smaller map introduced into this work, for the express object of illustrating what has been called the "Empresario System."* Two descriptions of grants, of equal validity, in consequence existed—those whose titles emanated from the old Spanish government, and those obtained from the State of Coahuila and Texas, in conformity with the laws of the Republic.

The nature of "Empresario" grants (or, properly speaking, *contracts*) has been much misunderstood, and the character of the Texan people has unjustly suffered from the frauds that have been perpetrated, by foreign speculators, on persons who have yielded a blind belief to interested misrepresentations. As this system of settlement is closely interwoven with the Anglo-American portion of Texan history, I shall endeavour to ex-

* For the Constitution of the State of Coahuila and Texas, see Appendix No. II.

* This map, published originally by Mitchell, of Philadelphia, is very inaccurate and imperfect.

plain its true character as concisely as the end in view will allow.

By the law of the State of Coahuila and Texas, of the 24th March, 1825, the Governor was authorised to accept proposals from Empresarios (contractors) to settle a certain number of families within stipulated limits, in the term of six years. The first step towards a settlement was the presentation of a memorial from the contractor, or contractors, praying for permission to colonise under the conditions of the law, stating the number of families proposed to be introduced, and defining the limits of the lands on which they desired to locate them. Usually, to afford ample choice to settlers, a tract greatly exceeding the appropriations to be made, (containing often millions of acres), was indicated in the memorial, and temporarily conceded by the government. The articles of the contract provided for obedience to the Federal and State laws, and the legal conditions of colonization—respect for all legal titles to land that might have been previously held within the limits of the grant—retention by the State of the right of property over all the lands which should remain, after laying off those belonging to the settlers, and the "premium lands" of the Empresarios—abstinence from the sale of arms and ammunition to the barbarous Indians, and the purchase from them of mules and horses, without assurance of the same having been properly acquired—the organization of a militia whenever there was an adequate male population—the use of the Spanish language in all official communications, instruments, deeds, and other public documents; in every other matter not provided for or expressed, the Empresarios, or

the new settlers holding under them, were to abide and be governed by the Federal Constitution, and the particular laws of the State. It was likewise stipulated that the Empresarios should be at liberty to enter into a new contract with the government, for the settlement of the surplus lands within the grant, after locating the specified number of settlers, and laying off their own proportion of premium lands.*

The colony was to be regulated, and the lands thereof distributed, by a commissioner from the government, acting according to legal instructions, which withheld from him the power of giving or allotting lands within the limits of the grant to any one whatsoever, without the knowledge and approbation of the Empresarios.*

The government designated the term of six years, within which they were bound to present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favour, in proportion to the number of families which they

* Some of the grants stipulated for the introduction of settlers of particular nations. By Article 2 of the grant to Lorenzo de Zavala, 12th March, 1829, he was bound to introduce and establish, on his own account, within six years, five hundred families, of which one part should be of Mexican, and the remainder of foreign origin, excluding *Spaniards*. By Article 7 of the first grant to Joseph Vehlein, on the 21st December, 1826, he was to establish three hundred families, Swiss, German, and North American; and by Article 3 of Vehlein's second grant, of 11th October, 1828, the one hundred families he was allowed to introduce were to be of German, Swiss, and English origin.

* "The Empresarios *have control* over the tracts of land assigned, during the period aforesaid (six years), by virtue of the powers contained in the grant, and the possession under it, so far as concerns the introduction and settlement of families so introduced and established, with the assent and under the agreement of the Empresarios, and which families cannot be in-

failed to introduce, and the contract was totally annulled if they did not bring, at least, one hundred families.

In strict conformity to law, an applicant for settlement was required to present a certificate from the authorities of the place whence he came, accrediting his "Christianity," that is, his profession of the "Catholic Apostolic Roman" religion, and his morality and steady habits; without the production of such certificate, as also that of the Empresarios, testifying its genuineness, the commissioner was bound to withhold title. In practice, a law so narrow in itself, and generally at variance with the interests of the Empresarios, was unscrupulously evaded. To procure an order of survey, it was sufficient for an applicant to go to a neighbouring Alcalde, and obtain, on the testimony of two by-standers, and payment of a dollar and a half, the certificate required. Upon presentation of the paper to the Commissioner, an order of survey was granted, and the title issued to the land surveyed. The deed was upon stamped paper, and contained—first, the petition of the applicant —second, the order of the Commissioner passing him to the Empresario, to ascertain if his consent were granted—third, the declaration of the Empresario, expressing that consent—fourth, the decree ordering a survey—fifth, the surveyor's return, or the description

troduced and settled without this assent and agreement. The Empresarios are required to judge and determine on the requisite legal qualifications of the settlers, and to regulate their traffic with the Indian tribes. All this is control and jurisdiction."—*Opinion of Chancellor Kent* (*U. S.*) *on the Empresario claims of the government of Coahuila and Texas, under the authority of Mexico; given in reference to the contracts of Dr. J. C. Beales and Jose Manuel Royuela.*

of the land—sixth, the decree ordering the title to be extended—and seventh, the extension of title. The stamped paper, on which the title was issued, cost from two to three dollars, and the whole cost of a league of land (4,428 acres English) amounted to about 180 dollars.

The Governor, or the State Legislature, alone had the power to augment the quantity of land granted to an individual. By either of these authorities, grants, *not exceeding eleven leagues*, might be conceded to one person, he being a Mexican. Government concessions have been made to Empresarios, entitling them to transfer to purchasers to the limited amount of eleven leagues. Under these concessions, government appointed a commissioner to extend the title of possession. In default of such appointment, it was usual to petition the nearest Alcalde for an order of survey, and he, upon the return of the "field notes," decreed that the title should be extended, and proceeded to put the party in possession. The act was recorded in the Alcalde's office, the copy issued to the party being signed by the clerk of the Ayuntamiento. The titles thus bestowed, though unusual, were valid. The total cost per league of land thus obtained would amount to an average sum of 125 dollars, payable in cash on receipt of title.

It will be evident, from the preceding outline, that the impression which prevailed and afforded a cover for nefarious jobbing in land "scrip"—to the effect that the lands included within the limits of the "grants," which overspread the early maps of Texas, were the property of the respective Empresarios—was utterly and extravagantly erroneous. The Empresario, as the Spanish term

implies, was a "contractor," and nothing more. He was the individual who, taking advantage of the facilities offered by the Colonization Laws, agreed with the government to settle a certain number of families within the bounds of a prescribed district, receiving a regulated proportion of "premium land" in return for his expense and trouble. When the immigrants had obtained their several "head-rights," and the Empresario his premium, the residue included within the bounds of the grant remained a portion of the public domain, and he who disposed of any part of it by direct contract, or by the sale of "scrip," was guilty of fraud.*

* Land Companies were formed in New York, who, deriving their titles by purchase from Empresarios, issued great quantities of worthless scrip. In the case of Carter *v.* Dey and Curtis, tried in New York in 1832-33, it was proved that scrip of the Galveston Bay and Texan Land Company had been sold to the amount of 6,210,390 acres. According to the testimony of the Clerk of the Company, the price of scrip in New York ranged from one to two cents an acre; another witness testified that he had sold it at five and ten cents an acre. The Company had expended about 50,000 dollars on the enterprise. It was proved that scrip had never been sold nor had any market in Texas. The families sent out by the Company were chiefly Europeans; their number was limited to 1,200 by the terms of the original contracts.

CHAPTER V.

Motives of the Mexican Government in granting lands to foreign settlers —Frontier Indians—Comanches—Intrusive Tribes in Texas—Aboriginals and Frontier Settlers—Fredonian outbreak—Civil Commotions in Mexico —Spanish Expedition against Mexico—Decree of 1829 abolishing Slavery—Its intention—Negotiations of the United States for the purchase of Texas—Expulsion of the Mexican President Guerrero.—Bustamente's Anti-American Law—Progress of Empresario Settlements—Increase of Military in Texas.

THE leading motives which influenced the various authorities that presided over independent Mexico, in affording facilities to foreign settlers, were avowed in the Sovereign Constituent Cortes, during the session of 1823. It was stated, in the official report of the Minister of Exterior and Interior relations, that, in consequence of Indian irruptions, the Missions of Texas had been ruined and abandoned. To secure the frontier against savage inroads, and at the same time increase the public prosperity, the Minister recommended that waste lands should be opened to colonization, on a system similar to the national land sales of the United States.* Shortly after the presentation of this report, news arrived of fresh incursions of wild Indian tribes into the provinces of New Mexico and Chihuahua, which had the effect of still farther inclining the legislative body in favour of border settlements.

On the North-eastern frontier of Mexico, there are hardly any Indian peasantry of the Aztec race—the

* Poinsett's Notes on Mexico.

peaceful cultivators, whose ancestors were dwellers in cities, in the days of Montezuma. The tribes in that region are of nomadic habits, uniting the traits which distinguish the mountaineer and hunter, with the marauding independence of the Bedouin Arab. For centuries, a war of extermination, originating in a barbarous policy, had been waged between these restless hordes and the Spanish colonists of the Eastern Internal Provinces. This deadly and hereditary feud removed all hope of bringing round the North-eastern Indians to social life by gentle means. The spirit of vengeance, and an inveterate hatred, had raised an almost insurmountable barrier between them and the whites.* The Apaches Mescaleros and Farones occupy the Bolson de Mapimi, with the mountains of Chanate and the Organos, whence they issued forth to spoil and harass the inhabitants of Durango (New Biscay) and Coahuila. Mortal enemies of the Apaches, several tribes of whom have lived at peace with the colonists, the Comanches and their wild brethren, whom the Spaniards comprehended under the vague and indiscriminate name of Mecos, frequently penetrated into the interior of Durango, Chihuahua and New Mexico plundering and destroying the villages, and driving off horses and cattle. Humboldt notices the singularity of the fact that, after two centuries of colonization, the province of New Mexico did not join the Intendancy of New Biscay. The town of Durango was founded under the administration of the second viceroy of New Spain—Velasco el Primero—in 1559; and towards the end of the sixteenth century, the ruling viceroy, Count de Monterey, de-

* Humboldt.

spatched Juan de Onate to New Mexico, who repelled the roving Indians, and colonised the banks of the Rio Grande. But the two provinces are still separated by a desert, extending between the Paso del Norte and Albuquerque, where travellers are obliged to move in armed companies, to secure themselves from the attacks of the Comanches, who, like the Patagonians, have learned to tame the wild horses, and to ride them with the ease and dexterity of Tartars. The military posts of the Eastern Internal Provinces being too far apart to prevent the inroads of the savages, the necessity of defending their homes, their wives, their children and their flocks, was imposed upon the scattered colonists, who, though of European blood—(the inhabitants of New Biscay and New Mexico, are either white, or *consider* themselves so),—and sustained by a temperate climate and a life of singular activity, were frequently surprised, plundered, and slaughtered, by their ever-wakeful adversaries.

Five-sixths of the wild Indians that roamed over the territory now designated as the Republic of Texas, had their haunts north and west of San Antonio de Bexar. The region intervening between the upper waters of the Colorado and the river Puerco, was exclusively claimed by the Comanches, more especially the tract lying north of the Guadalupe mountains, and extending to the latitude of Santa Fé. Their superiority of numbers had given an importance to the Comanches, to which their prowess did not entitle them, and even their numerical strength has been considerably overrated by the terror-stricken Mexicans. The Apaches, estimated at about four thousand souls, occupied the

mountainous district between the Puerco and the Rio Grande—far removed from the settlements of Texas, on which they have never intruded.

The country frequented by the Comanches is of extraordinary beauty and fertility. The mountains are not high nor continued chains, but are composed of insulated peaks, which shoot suddenly up out of the plains. These peaks are surrounded on every side by the richest kind of land, which affords pasturage for innumerable herds of wild cattle. From this source, roots and wild fruit, they draw their subsistence. They are a nation of robbers, and will pillage Mexicans, Texans, Americans, or any other people who may come within their reach, and lack ability and spirit to resist.

They seldom appear in bands of more than three or four hundred, as by their precarious mode of living, it would be difficult for a greater number to obtain subsistence. Each party or tribe is under the command of one or more chiefs, who are in turn subject to the control of a principal chief, elected by the suffrage of the whole "nation."

They have no idea of making any preparation for the support of an expedition, but depend on the contingencies of every day to supply them with food; and a body of five hundred could not be kept together for a single month without starvation. This would prevent anything like united action on their part, against an enemy. Nor are they a people enamoured of war, when there is any prospect of opposition; their depredations are always committed upon the defenceless. Even a single American armed with the rifle has been known to keep large parties of them at bay; their principle being, that

it is better to suffer a dozen enemies to escape, than to run the risk of losing a single Comanche. They hold it to be much more honourable to murder a man in his sleep, than to take him in open combat; and bravery they regard as an inferior quality to deceptive cunning. They will, therefore, use every wile to throw the unwary traveller off his guard, by declarations of friendship, that he may be butchered without endangering the lives of any of their tribe.

They seldom destroy the lives of women or children, whom the Indians of the United States are hardly ever known to spare; but they capture and enslave them, incorporating them with the nation, and guarding them so closely that they rarely have an opportunity of escape. They have made many treaties with the Mexicans, all of which have been violated, and not unfrequently within twenty-four hours after signature; so that the remark—"As faithless as a Comanche treaty," has become a Mexican adage.

The Comanche "nation" is perhaps the most perfect democracy on the face of the globe; all public affairs are managed by primary assemblies, and the people have a right to displace a chief, and elect his successor, at pleasure. Male children are even privileged to rebel against their parents, who are not entitled to chastise them but by consent of the tribe. Any warrior claims and exercises the right of punishing a woman with the utmost rigour, for the most trifling offences. With such a system of social polity, it would be idle to anticipate much harmony in their deliberations. Their war councils not unfrequently terminate in a battle between the different tribes.

They live in tents made of buffalo skins, locating their "villages" in places admitting of easy defence. Their wealth consists of horses and mules, of which they rear some valuable specimens. A horse of superior speed is highly appreciated. Racing is a favourite pastime, and bets are laid by the uncouth sportsmen of the prairies, with as much excitement regarding the result as is shown by those who stake their thousands at Doncaster or Newmarket.

The religious conceptions of the Comanches are very confused; they call God the Great Captain who is in the sky, and they entertain the notion of an evil genius under the earth. Of future rewards and punishments they have no idea, yet they bury their warriors with their horses and arms. Polygamy is tolerated to the extent of the indivdual's means. Adultery, theft, murder, and other crimes (among themselves), are punished by established usage. All the drudgery is performed by the women, labour being considered degrading by the warriors. Unlike the Red Men of the United States, they avoid the use of ardent spirits, which they call "fool's water." Temperance in this respect, with constant activity, pure streams, and a healthy climate, will account for the unusual proportion of aged persons that are found in the nation.

Their language consists of about 400 words, many of which have been borrowed from the Spanish, and some from the English. In introducing a foreign word, they pay but little attention to the correct pronunciation, and the vocable undergoes a change calculated to render it alien to the ears of its original parents. The primitive terms of the Comanches are short, and sev-

eral are combined for the expression of complex ideas. The language is very barren of verbs, the functions of which are frequently performed by the aid of gestures and grimaces.*

The Towacanies, or Tahuacanos, an off-shoot from the Comanche nation, maintained themselves above the falls of the Colorado. Horse-stealing formed the principal occupation or pastime of the Towacanies, who, in their thieving and other Indian propensities, have in no degree degenerated from the anscestral stock. The Wacoes, another branch of the Comanches, inhabited the country bordering on the Upper Brazos, ranging as far west as the Colorado, and sometimes as far east as the Trinity River. In alliance with the Wacoes were the Pawnee Picts, or Toweashes, residing on the Red River, sometimes on the side of the United States, and sometimes in Texas. The Caranchuhuas inhabited the western sea coast, chiefly around La Baca and Matagorda bays. The Lipans, a small tribe, had no defined limits. They frequented the bays of Aransas and Corpus Christi, and the country lying between them and the Rio Grande.

* The following are their numerals to 20—they will convey some idea of the language:

1 Simmutsum.	11 Simmemmatouch.
2 Guah.	12 Guahatimmatouch.
3 Pah.	13 Pahatimatouch.
4 Wotchouc.	14 Watchouchtimmstouch.
5 Mannuke.	15 Mannuketimmatouch.
6 Navi.	16 Navitechouchtimmatouch.
7 Tatschouch.	17 Tatschouchtimmatouch.
8 Nannaguatschouch.	18 Nanaguatschouchtimmatouch.
9 Sammannagum.	19 Guahammannaguam.
10 Soaman.	20 Wahaman.

Being the hereditary enemies of the Comanches, they were obliged to avoid their hunting range in the upper country. The small wandering tribe of Toncahuas were in the same predicament with respect to the Comanches. A scanty and harmless tribe called Bidias, roamed, like gipsies, on the waters of the San Jacinto, and supported themselves by hunting and fishing.

These tribes composed the whole strength of the native Indians of Texas within the present geographical limits of the Republic. Besides these, who may be termed indigenous, there were a number of Indians that had emigrated from the United States to the country bordering the Trinity, and between that stream and Red River. These fugitive bands contained portions of the following tribes: Kickapoos, Cushattas, Delawares, Shawnees, Beluxis, Cherokees, Iawanies, Alabamas, Choctaws, Unataquas, Quapaws, Tohooktookies, Caddoes,—in all about 4,000. Most of these Indians (who in Texas are denominated, in the aggregate, "the Cherokees and their Twelve Associate Bands,") entered the country in 1822 and 1824. The Cushattas and Alabamas, the most orderly of the whole, arrived at a considerably earlier period. All were intruders, who took advantage of the weakness of the authorities, and the confusion which reigned in Mexico, to "squat" upon a fertile soil.

These intrusive Indians were generally more dangerous neighbours to white settlers than the native tribes of Texas. To the obstinate courage and profound dissimulation of their race, they united a spurious civilization, limited chiefly to the vices and mischievous arts of social life. They were expert in the use of the rifle,

and not insensible to the advantages of co-operation in warfare. From a long residence in the settled districts of the United States, many of them had acquired a knowledge of the advantages of agriculture. These had fixed habitations, rudely cultivated lands, and stock. Some were possessed of money, received from the government of the United States in compensation for their lands, and had purchased Negro slaves for working their farms, for even the half-civilised Indians have a rooted aversion from manual labour.* The tendency of all, when removed from white settlements, was gradually to relinquish habits of wholesome restraint and to relapse into barbarism.†

The whole Indian population of Texas, when Austin's colony was planted, may be estimated at 30,000 souls, of which, however, but a small proportion ranged in the immediate neighbourhood of the settlement, or *resided* within the bounds of Texas Proper. In the destruction of the Missions, the Comanches were the principal agents. Encouraged by the passive submission of the Mexicans of mixed blood, they carried their insolence so far as to ride into Bexar, and alight in

* The possession of Negroes, by rendering the Indians idle and dependent on slave-labour, has confirmed the defects of their character. The Seminole Negroes mostly live separate from their masters, and manage their cattle and crops as they please, giving them a share of the produce. Williams, in his account of Florida, mentions the existence of a law among the Seminoles, prohibiting individuals from selling their Negroes to white people, any attempt to evade which has always raised great commotions among them. The State of Georgia claimed 250,000 dollars of the Creek Indians, for stolen and runaway slaves. Under cover of these claims, says Williams, many Negroes have been removed from their Indian owners, by force or fraud. The slaves prefer the comparatively indolent life of the

the public square, leaving their horses to be caught and pastured by the obsequious soldiers of the garrison, on pain of chastisement. To raise a contribution, they would enter the town with a drove of Mexican horses, stolen by themselves, and, under pretence of having rescued the *Caballada* from hostile Indians, would exact a reward for their honesty. They openly carried off herds of cattle and horses from the settlements east of the Rio Grande, sparing the lives of the herdsmen, not from motives of humanity, but because they deemed it impolitic to kill those who were so useful in raising horses and mules for the benefit of the Comanches.* The untaught economists of the prairies, while they secured the golden eggs, perceived the wisdom of sparing the prolific goose.

It has been stated that the Imperial Concession of 18th February, 1823, assigned no specific limits to Austin's first colony of three hundred families. It might, however, have been assumed that the settlers would have voluntarily chosen to locate their grants within a narrow compass, for the purpose of neighbourly intercourse, as

Indian settlements to the sugar and cotton fields of the planter; and the Indian slaveholders are quite satisfied if they are enabled to live without personal toil.

† "The North American Indian is a warrior, and wild to the last degree. You may kill him, or put him to the torture, but make him work, or draw a cry from him—never. Those even among them who are half-civilised, and cultivate the ground, do it, not by their own hands, but by those of their Negroes. This hatred of labour is observable even in the mongrel issue of the Indian and the white."—*Sketches of the United States, by Achille Murat, ci-devant Prince Royal of the Two Sicilies, and American citizen.*

* Edwards' Texas.

well as mutual security against the Indians. But the rambling dispositions of the colonists, unrestrained by these considerations, led them to disperse from the east bank of the La Baca river to the San Jacinto, and from the gulf shore to the upper, or San Antonio, road. The perils and privations inseparable from this mode of settlement would have been intolerable to any save North Americans. To Mr. Austin, it could not have been satisfactory, rendering, as it did, the task of government and protection much more difficult and expensive. It was only permitted on the ground that a scattered settlement, within reasonable bounds, would be ultimately of greater general advantage than one within contracted limits, provided the colonists could defend themselves against Indian aggression. As they entertained no apprehensions on that score, they were permitted to follow their inclinations in the choice of their farms. Eventually, the arrangement proved to be beneficial, as, in consequence of the dispersion of the husbandmen, accommodation for strangers and supplies of agricultural produce could be obtained in every direction without the cost and trouble of distant transport.*

Although the colonists, with good rifles and store of ammunition, did not fear the attacks of the savage tribes,

* It is not among rude back-woodsmen only that the love of a wilderness settlement amounts almost to a passion in the frontier States. It is shared by planters of average means and education. An anecdote was mentioned to me in Texas, of a Tennessee planter, which is worthy of being recorded. Mr. C—, the gentleman in question, had removed from his own State to Red River and after a few years' absence, a friend left Tennessee for the purpose of paying him a visit. Arrived at Red River, he found that Mr. C— had relinquished his abode there for a settlement at Nacogdoches. Proceeding to Nacogdoches, he was shown his vacant location, and

yet, for the first two years, their numbers were so small, as to demand the constant exercise of fortitude and forbearance, in their dealings with the natives. On the coast, the Caranchahuas were very hostile, as were the Wacoes and Towacanies in the interior, whilst the beggarly and insolent Toncahuas, Lipans and Bidias, intermingled with the settlers, were only restrained from mischief by prudent management and seasonable presents. In 1824, when the colony had grown somewhat more robust, a party of Caranchahuas were tied and whipped, in presence of their chiefs, for horse-stealing. Several murders having increased the exasperation of the colonists, previously awakened by systematic depredations, they mustered a party of sixty riflemen to inflict a signal punishment on the delinquents. The expedition, which was commanded by Mr. Austin in person, was successful. Half of the Caranchahua tribe was cut off, and the remainder taking refuge in the church of the Mexican Mission of La Bahia, obtained a truce, on condition that they should never again cross the La Baca river, the western boundary of the colony,—an engagement which, in spirit, they faithfully performed.*

and was instructed to seek him at a plantation on the Brazos. Having travelled to the Brazos, he was told that the Squire was no longer there, but located at C—'s Creek on the Colorado. Here at last he met the object of his search, to all appearance very snugly settled. The visitor having expressed his gratification at finding his old friend after a long search, so pleasantly *fixed*,—"Ah," said Mr. C—, "I must move again, they begin to crowd me, I can't go out with the rifle!"—The settlements on the Colorado were then few and far between, and Mr. C— was in his 85th year.

* In subsequent years, the Mexicans, provoked by their robberies, commenced the extermination of the remnant of this tribe. The survivors, to

It is not in populous cities, surrounded by the comforts and embellishments of modern society, nor in the rural retreats of old and wealthy countries, that men can form a dispassionate estimate of his position who cleaves the furrow in the wilderness, exposed to the weapon of the lurking savage. Until the labours of a practical philanthropy shall have trained the latter to abandon the chace, and till the ground for subsistence, he must stand in the path of civilization as a beast of prey, resisting its progress, and committing havoc for a season, but ultimately and inevitably to be destroyed in turn. The right of wandering aboriginals to the soil is a sentimental abstraction, which has never yet been respected in the practice of what are called civilised states. It is chiefly of value to those on whose behalf it has been pleaded, as the ground of a claim to the humane consideration of the nations by whom they are supplanted. There is one mode, indeed, in which the aboriginal may acquire an indefeasible title to the land he occupies—by cultivation. Of the right which he has to the ground which his labour has first rendered productive, he cannot be deprived, save by an act of iniquitous spoliation, such as the Spaniards perpetrated towards the native Mexicans. But it is otherwise with barbarian hunters, and even with erratic pastoral tribes. The Divine command to "multiply and replenish the earth"—the necessities of over-populated countries—the law of social progress, which decrees the absorption or extermination of all stationary or retrogressive races—alike forbid their un-

the number of forty or fifty, crossed the La Baca, and threw themselves on the protection of the Anglo-Americans of the frontier, who distributed them as servants among their families.

settled habitation in immense regions to be accounted a true and legal possession. A claim which, if held good, might give exclusive occupancy of a vast continent to a few thousand self-secluding savages, while European multitudes were suffering from the pressure of population on subsistence, is manifestly inconsistent with reason and justice. "Those nations," says Vattel, "(such as the ancient Germans and some modern Tartars) who inhabit fertile countries, but disdain to cultivate their lands, and choose rather to live by plunder, are wanting to themselves, are injurious to all their neighbours, and deserve to be extirpated like wild beasts. There are others who, to avoid labour, choose to live by hunting, and their flocks. This might doubtless be allowed in the first ages of the world, when the earth, without cultivation, produced more than was sufficient to feed its small number of inhabitants. But, at present, when the human race is so greatly multiplied, it could not subsist if all nations were disposed to live in that manner."

That portion of the monied aristocracy of Europe, who in sumptuous drawing-rooms and spacious halls indulge in the luxury of ostentatious sympathy for all races but their own, do not appreciate the character and situation of the Anglo-American, who has made his home in solitudes unbroken by any human sound, save the whoop of an invisible foe. Accustomed to hear him denounced as a man-slayer, and a land-robber, they take no thought of the spirit which has impelled him onward. the qualities he is constrained to display, and the social ameliorations of which he is the pioneer. He loves the wilderness for the independence it confers—for the sovereignty which it enables him to wield by dint of his

personal energies. The forest is subject to his axe—its inhabitants to his rifle. Had the same man drawn his first breath in the land of his forefathers, he might have been a stunted and starving hand-loom weaver, or, at the best, a labourer, faring sumptuously, with a wife and six children, on an uncertain weekly stipend of eight British shillings. In the grand old woods where rises the smoke of his log-house, he is lord of an untrammelled mind and iron frame. The roof that shelters his little ones is the work of his own hands; the venison that smokes upon the board, and the deer-skin that furnishes his hunting-gear, are the spoil of his practised eye and untiring step. Alone he ventures on the Indian's hunting-ground, and, in defiance of the law of the Red Man, bears away a share of the prey. Perhaps the chace absorbs too much of his time—perhaps he falls a victim to the jealousy of the savage—still his career has not been in vain;—he has made a lodgment in the waste, he has opened a track for the van-guard of civilization, the ranks of which will expand for the reception of his posterity. In a few years, where the short, sharp crack of the out-settler's rifle startled the silence of the pine-forest, the voice of Christian worship is heard in the language of Old England; institutions kindred to our own predominate; industry, in its varied branches, prospers; and a fresh accession is made to the extending empire of morality and knowledge.

The American frontier-man may be said to exist in a state of continual warfare;—he experiences, the toils of active service in clearing and cultivating his ground, its anxieties in guarding against a treacherous enemy, and its perils in encountering that enemy, and the beast

of prey. Confident in what he dare do and can endure, with all the feelings of his nature roused to vengeance by some sanguinary Indian outrage, he sallies forth in pursuit of the exulting savage. Following unweariedly on his trail, he traverses the prairies, swimming the streams, noting every impression on grass, sand, twig and tuft, reckless of fatigue, hunger and cold, until he overtakes the remorseless foe, whom, at great numerical disadvantage, he is almost certain to defeat. To men of this class, a campaign is a party of pleasure, and they require only the exercise and discipline of the regular soldier, to make the best troops in the world. Mounted on a favourite horse, armed with the trusty rifle, and accompanied by their dogs, they can explore their way through the woods by the sun and the bark of the trees. Clad in their usual homely dress, an otter skin cunningly folded and sewed, is the depository of tobacco, ammunition, and means for kindling a fire; a wallet slung behind the saddle contains sustenance for man and horse. On the march, a small daily allowance of maize suffices the latter, which, at the evening encampment, is stripped of his furniture and "hobbled" (two of his legs fastened together), and thus left to indulge his appetite on the abundant herbage.—It is of such materials that the active militia of Texas and the South-Western states of the Union is composed.

The Constituent Congress of Coahuila and Texas decreed its installation, agreeably to the Constitutive Act of the Mexican Confederation, on the 15th of August, 1824, but the State Constitution was not framed and sanctioned until the 11th of March, 1827. Public officers were appointed provisionally by the Constituent

Congress; and by the fourth article of the organic decree, the state of Coahuila and Texas solemnly pledged itself "to obey, and to sustain, at all hazards, the Supreme Federal powers, and its own union with the rest of the States, and the constitutional independence of all and each one of them."* On the 24th of March, 1825, a State colonization law was passed, under which grants in Texas were made to many Empresarios. On the 4th of June Mr. Austin contracted for the settlement of 500 foreign families within the following boundaries; commencing on the west bank of the river San Jacinto, at the termination of the ten league reserve from the Gulf of Mexico, thence following up the right bank of said river to its head; thence due north to the road leading to Nacogdoches from Bexar; thence following said road westwardly to a point whence a line due south will strike the Labaca; thence following down the east of the Gulf of Mexico; thence eastwardly along the said ten league line parallel with the coast, to the place of beginning. In the same year Robert Leftwich (an American) contracted for the introduction of 200 families. This contract, after much controversy, at length fell to the Nashville Company of Tennessee, by their agent, the Empresario Sterling C. Robertson, of which company Leftwich was the original agent. Green Dewitt (an American) likewise contracted, in 1825, for settling 300 families in the district lying south-west of Austin's Colony.

* "*El Estado de Coahuila y Tejas se compromete solemnemente a obedecer y sostener, a toda costa, los Supremos Poderos de la Federacion, su Union Federal con los demos Estados, y la Independencia Constitutional de todos y cada uno de elles.*"

In 1826 Benjamin R. Milam (an American) contracted for the introduction of 300 families in the district lying between the Red River and Nacogdoches. Joseph Vehlein (a German) obtained a contract for settling 300 families within the district lying south of the San Antonio road, east of the twenty border leagues reserved by the government, parallel to the course of the Sabine, north of the reserved border of ten leagues, parallel to the course of the coast, and east of Austin's Colony. David G. Burnet (an American) contracted for the settlement of 300 families in a district beginning at the town of Nacogdoches; running thence northwardly and parallel to the west line of the twenty leagues border reserve, parallel to the Sabine fifteen leagues; thence west to the Navosota; thence down that river to the San Antonio road; thence along that road to Nacogdoches, the place of beginning. This contract was extended by the government two years beyond the six to which its duration was limited under the Colonization Law. In the lands allotted for settlement to Vehlein and Burnet, a district around Nacogdoches was included, which had been left vacant by the annulment of a contract made with the Empresario Hayden Edwards. The cause assigned for the forfeiture of Edward's contract was his having, either through ignorance or wilful perversion of the law, represented to the colonists that he held the lands within the limits of his grant in fee simple, and had a right to dispose of them for his own benefit. He, it was said, exacted payment, until the settlers, informed of the true nature of his powers, complained to the government, who revoked the contract, permitting all those

that had been located under it, and were "duly qualified according to law," to remain upon their lands.* Articles were included in all these contracts, expressly stipulating that the settlers should be certified Roman Catholics, of good moral habits; that the contracting party was neither to introduce nor suffer to remain in the colony, criminals, vagrants, or men of bad conduct or repute; that it should be his duty to establish schools for the Spanish language, to promote the erection of places of worship, providing the same with "ornaments, sacred vessels and other requisites for divine worship, and at the proper time, to apply for such priests as may be required for administering the sacraments and other religious rites."

With the exception of Indian troubles, no interruption arose to the quiet of the settlements until 1826, when an attempt was made, in the department of Nacogdoches, to establish a Texan Republic under the name of Fredonia. This outbreak claims to be noticed, as although it had no directly apparent effect on the measures of the Mexican authorities towards the Anglo-Americans, it may be presumed to have secretly influenced their subsequent policy.

Without entering into details of local or personal interest merely, I may state that Hayden Edwards, whose Empresario contract had been annulled by the government, who ordered him and his brother to withdraw from Texas, conceiving himself injuriously treated, listened to the proposals of certain malcontents, Indian and American, who had concocted a plan of revolt. The person who communicated the project to Edwards and

* Newell's Texas.

solicited his assistance, was John Dunn Hunter, whose "Memoirs of a Captivity among the Indians of North America" was published in this country, and excited attention some years ago.* Hunter had visited Mexico, for the purpose of obtaining what had previously been denied to Field and Bowles (two half-breed Cherokee agents); namely, a tract of land for Indian settlement; and failing, like his predecessors, to effect his object, returned home exasperated against the government, and eager for an opportunity to assail it. Finding Edwards, whom he had previously sounded in vain, in a similar mood, after the withdrawal of his grant, and the order of expulsion, he gained his consent to raise the banner of resistance, in conjunction with Bowles and Field, and proclaim the independence of the country, under the name of Fredonia. During Mr. Munroe's Presidency, a system was proposed, on which the United States have since acted, for removing the Indian tribes within their territories to a "reserve" in perpetuity, on the plains of the Missouri, west of the Mississippi. All the Indians with whom treaties had been signed were directed to emigrate to those vast plains; but many diverged from the prescribed course, and sought for settlements in the more genial region of the Red River. On these and others more remote it was arranged that Hunter, Field, and Bowles, should operate, while Edwards tried to rally the Anglo-Texans to his side, and procured auxiliaries from the United States. With a fair prospect of uniting the Indians in support of the scheme, proclamations were despatched to the Red River and the Brazos, soliciting the co-operation of the colonists, and a small

* Longman and Co. London, 1823.

force under Parmer took the field, and obtained the advantage in the first skirmish. At this stage terminated the success of the Fredonians. The bearer of the proclamation to Red River betrayed the secret of his mission, and denounced his employers in a Natchitoches paper, whilst Colonel Stephen Austin arrested the emissary to the Brazos. The government despatched a Mexican officer with 300 men to Nacogdoches, who was joined at San Felipe by Austin and a considerable body of his colonists. The united forces proceeded towards the scene of insurrection, but, before they reached it, the necessity for their intervention had ceased. A man named Bean (the same who had survived the wreck of Philip Nolan's expedition), arrived in Nacogdoches about this period. At first a partisan of the Fredonian cause, he speedily altered his views, and seeking Bowles, urged the Cherokee chief to abandon the insurgents, saying that if his tribe wanted land, the way to get it would be to propitiate the government by sacrificing Hunter and Field. His arguments were effectual; Bowles deserted his party, and caused Hunter to be murdered within twenty-five miles of Nacogdoches. On receiving intelligence of this event, Field fled, was pursued across the Sabine, captured and similarly dealt with. Parmer and his men were pardoned, and thus ended the "Fredonian war." Hayden Edwards was, up to a late date, a resident at Nacogdoches, in a green old age; having lived to witness extraordinary changes in the land he failed to revolutionise.

After this abortive attempt, a decided, though gradual alteration was manifested in the policy of the Supreme Government towards Texas. Troops began to

be introduced, at first in small numbers, at considerable intervals, and under various pretences; these men, however, were not recalled, but were stationed at Nacogdoches until the garrison there amounted to two hundred and fifty. Other garrisoned posts were in like manner established, ostensibly to secure the revenue, but in reality, to overawe and control the Anglo-American colonists, whose rapid increase and prosperity inspired the Mexicans with envy and alarm.

In the habits, sentiments, and training of the Northern settlers and the ruling race, there were too many points of dissimilarity for the long continuance of amicable relations. The Americans, although they did not oppose the Catholic religion, despised the superstitious observances and detested the intolerant bigotry of its Mexican professors. Persons who had been long married in the United States were obliged to pay sixteen dollars to a *Padre* for repeating the ceremony, and to submit to Catholic baptism of each child, infant or adult. They neither invited priests, nor provided them with sacred ornaments, vessels, or places of worship, nor sought to acquire the Spanish language, nor founded schools for the purpose of having it taught to their children, with the dogmas of the national faith. But they attracted commerce to an unfrequented coast, repressed the inroads of the savage, reclaimed the wilderness, and caused the harvest to mellow on the pastures of the wild horse and the buffalo. Leaving the consideration of their affairs for the present, I shall briefly advert to the course of events in Mexico, so far as they bear upon the subject of this narrative.

In 1822 the United States acknowledged the inde-

pendence of Mexico, and in 1825 Congress passed an act for authorising the survey of a road from St. Louis in Missouri to Santa Fé, and for treating with the Indian tribes for their consent to have that road pass through their country. The road was opened and a trade commenced which has annually increased, consisting of the exchange of such manufactured articles of the United States as are adapted to the comfort and convenience of the inhabitants of the Eastern Internal Provinces, for the precious metals and some of the staple productions of the country. In December, 1826, a Treaty of Amity and Commerce was signed at London, between Plenipotentiaries of Great Britain and the Mexican Republic. By the 15th article of this treaty, the Government of Mexico engaged to co-operate with his Britannic Majesty "for the abolition of the Slave Trade, and to prohibit all persons inhabiting within the territories of Mexico, in the most effectual manner, from taking any share in such trade."* This provision involved no pecuniary sacrifice on the part of Mexico, which had no commercial marine, nor mercantile capital, to benefit by the African slave-trade, and possessed, through its Indian and mixed population, an abundant supply of cheaper labour, than could be obtained from imported negroes. It must indeed have been a stipulation to gratify Mexican nationality, as it bore against the slave-holding interest of Spain in the island of Cuba,

* This article of the Treaty was considered a valuable concession to the cause of humanity. A different policy governed the land at the Treaty of Utrecht, when she rejoiced in acquiring by force of arms the *Asciento*, or monopoly of the supply of Negroes to the Spanish American colonies.

while it inflicted no injury upon Mexico where the want of hands is seldom or ever known.*

In 1824 insurrections headed by Echavarri and Hernandez were quelled by the government; another, of which Lobato was the leader, having for its object the dismissal of European Spaniards from office, was likewise suppressed and the cause removed. In 1826 considerable excitement prevailed on the subject of suppressing the Mexican Masonic Lodges, in obedience to a Bull directed against them by the Pope. A bill to this effect was introduced into Congress and rejected. Two factions arose (said to have been guided by the rival Scotch and New York lodges, in the capital, and hence called Escoses and Yorkinos), which divided the most influential men of the country. The Escoses were large proprietors, aristocratic in opinion, favourable to Mexican independence, but also favourable to a constitutional monarchy. The Yorkinos, whose lodge was founded by the New York masons, through the agency of Mr. Poinsett, the Envoy of the United States, supported democracy, and opposed a royal, or central government, the Bourbons and the Spaniards. Mr. Poinsett's interference in the local politics of Mexico augmented the jealousy with which the authorities had begun to regard the Anglo-Texans. To counteract the growing influence of the Yorkinos, Colonel Don Jose Montano, towards the close of 1827, proclaimed at Otumba, a plan for the forcible reform of the government.

In January, 1828, General Bravo, the leader of the Escoses, and then Vice-President of the Republic, left the capital, and making common cause with the insur-

* Ward's Mexico.

gents, issued a manifesto in favour of Montano. Guerrero with the government troops succeeded in putting down the revolt, and Bravo and his associates were banished. The choice of a president to succeed Victoria, whose term of office expired that year, again awakened the animosities of faction. An arduous and exciting contest terminated in the election of Manuel Gomez Pedraza, the candidate of the Escoses, by a majority of two votes over Vincent Guerrero, the Yorkino candidate. General Santa Anna appeared at the head of a military force, on the 16th of September, declared the return at variance with the popular will, and proclaimed Guerrero President. Unsuccessful at first, and besieged at Oaxaca, he was relieved by a revolutionary movement in the capital, effected by Lobato and Zavala. For the first six days of December the city of Mexico was exposed to all the calamities of civil war. After much bloodshed, Pedraza was obliged to fly, and Guerrero was chosen to the Presidency, on the 6th of January, 1829, with Anastasio Bustamente for Vice-President, and Antonio Lopez de Santa Anna Secretary of War.

On the 27th of July, 1829, an expedition consisting of 4,000 men, under Barradas, prepared at Havannah, with a view to re-establish Spanish authority in Mexico, landed near Tampico. After an occupation of two months, the invading army surrendered on the 10th of September. By a Supreme decree of the 29th of that month slavery was declared to be abolished within the Mexican Republic; and the retaliatory intention of the decree may be inferred from the fact, that the Mexican government had resolved to send a secret mission to Hayti, in order to concert measures with Boyer, to excite

the slaves in Cuba to revolt,* a project which, if persisted in, would have provoked the armed interference of the United States. The Mexican laws concerning Negro slavery, in common with the bulk of Congressional enactments, were loosely framed and executed, and the Louisianian settlers evaded them, by introducing their slaves under the name of indentured servants. It was only through the tolerated introduction of slave-labour that persons of education and capital would have ventured to remove to Texas at the early stage of its colonization. Destitute of its aid, they must have fallen from the condition of capitalists to that of labourers, depending solely on the returns obtained from the soil by the hands of themselves and their families. Fearful of the consequences of Guerrero's decree to the welfare of his colony, Austin preferred a remonstrance to the President, who agreed to modify the law in favour of the American settlers. That the policy of the Mexican government originated in no feeling of sympathy for the African race, is demonstrated by the requirements of the law with regard to free people of colour, to whom admission into Texas was prohibited, unless they came particularly recommended; and even then, their introduction was limited to two military posts, Anahuac and Matagorda.* Slave-labour, which was creative of capital in Texas, would have operated as a burden on the great landed proprietors of Central Mex-

* Despatch dated, Department of State, Washington, November 30th, 1829, from Mr. Van Buren to Anthony Butler, Esq., *Charge d'Affaires* of the United States to Mexico.

* Exposition of the Law by Francisco Pizarro Martinez, Mexican Consul at New Orleans.

ico, the monopolists of the soil,—who, in their motley pauper population, had all the advantages of slavery, without its attendant expense—the outlay of capital in purchase, or loss by death. In the Northern provinces, the pastoral employment of the inhabitants demanded but a small supply of labourers, and the climate was unsuited to the Negro constitution. The labourers on the sugar estates of the pestilent *Tierra Caliente* were chiefly Zamboes, a perverse, drunken and turbulent race, who worked by the piece, and earned, if industrious, from six to seven rials a-day; equal to three shillings, and three shillings and sixpence, British. The average daily pay of the Indian labourer (the Aztec, or true Mexican Indian, not the obdurate North American savage,) was from one rial (about sixpence) to three. Deducting the holidays claimed by the priests, the Mexican labourer was employed about 200 days in the year, during which he earned some fifty dollars, to maintain a wife and family.

The solicitude evinced by the United States for the acquisition of Texas, through the inexpensive process of diplomatic gladiatorship, in the negociations with Spain subsequent to the purchase of Louisiana, was redeveloped soon after Mexico had assumed the guise of a Federal Republic. For two or three years after the acknowledgment of its independence by the United States, Mexico was unprovided with a minister from that country. General Jackson, the first who was nominated to the office, declined accepting it. Ninian Edwards, the next selected, signified his acceptance; but circumstances occurred that prevented his entrance upon the duties; Mr. Poinsett was at length accredited,

and with instructions which showed that his government still cast a covetous glance towards the green expanse of Texas, and longed to close "every chasm in its whole maritime frontier," by extending its national jurisdiction to the Rio Grande. A letter from Mr. Clay, the Secretary of State, to Mr. Poinsett, dated March 26th, 1825, (at the commencement of the Presidency of Mr. John Quincy Adams,) adverting to certain hypothetical difficulties respecting a boundary line, complained of the line of the Sabine as approaching too closely the "Great Western Mart," and suggested that the Mexican government might not be unwilling to establish, in lieu of it, the Rio Brazos, or the Rio Colorado, or the Snow mountain, or the Rio Grande. The Envoy was commissioned to enlighten the Mexicans, as to the advantages they would derive from shifting the boundary between them and the United States, to a point five or six hundred miles less remote from their capital. In 1827 another and more specific proposition was authorised, arising out of a belief that Mexico placed but little value upon Texas, in consequence of the extensive concessions, made without equivalent, to citizens of the United States. "These emigrants will carry with them our principles of law, liberty, and religion, and, however much it may be hoped they might be disposed to amalgamate with the ancient inhabitants of Mexico, so far as political freedom is concerned, it would be almost too much to expect that all collisions would be avoided on other subjects. * * * * These collisions may insensibly enlist the sympathies and feelings of the two Republics, and lead to misunderstanding." To obviate these unpleasant contingencies, it was proposed

that the boundary line should begin at the embouchure of the Rio Grande, ascend that river to the mouth of the Puerco; thence, ascending that river to its source by a line due north, strike the Arkansas; thence, following the course of the southern bank of the Arkansas to its source, in latitude 42° north; and thence by that parallel of latitude to the South Sea. If this boundary were unattainable, another was to be accepted, beginning at the embouchure of the Colorado, and ascending that river to its source; and thence, by a line due north to the Arkansas, and thence, as above traced, to the South Sea. To secure the first described boundary, the President authorised the United States Envoy to offer the Mexican government a sum not exceeding one million of dollars; in the event of failing to obtain that line, he was authorised to offer half the amount for the line of the Colorado.

None of these proposals found favour with the Mexican government, which preferred adhering to the general limits as laid down in the treaty of 1819, between the United States and Spain, which was ratified and enforced by treaty between the United States and Mexico, in January, 1828. But the old Roman perseverance of the Northern Republic cleaved to its object. On the 25th of August, 1829, (the first year of General Jackson's Presidency,) fresh instructions were issued to Mr. Poinsett, by the Secretary of State, Mr. Van Buren. Induced by "a deep conviction of the real necessity of the proposed acquisition, not only as a guard for the western frontier, and the protection of New Orleans, but also to secure for ever to the inhabitants of the valley of the Mississippi the undisputed and undisturbed pos-

session of the navigation of that river;" the President authorised the minister to open, without delay, a negociation with the Mexican government, for the purchase of "so much of the province of Texas as is hereinafter described, or for such a part thereof as they can be induced to cede, if the same be conformable to either of the locations with which you are herewith furnished."

The locations alluded to were four in number. First: The territory lying east of a line beginning at the Gulf of Mexico, in the centre of the desert, or Grand Prairie, west of the Nueces, and following the course of the centre of that desert, or prairie, north to the mountains; dividing the waters of the Rio Grande from those that run eastwards to the gulf, and until it strikes the present boundary at the 42° of north latitude.—Second: The territory east of a line commencing on the western bank of the La Baca and its embouchure, and continuing up that river to the head of its most westerly source; thence due north until the line shall strike the Colorado; thence up the westerly bank of the Colorado, to the head of its principal stream; thence by the most direct course that would intersect the United States boundary line at 42° north latitude, and include the head waters of the Arkansas and Red rivers.—Third: A line to commence at the embouchure of the Colorado and continue up the west bank to the head of the principal stream, and thence by a line drawn so as to intersect the United States boundary in 42° north latitude; including also the head waters of Arkansas and Red rivers.—Fourth: A line to commence at the embouchere of the Brazos river, and proceed along its western

banks to the head of its most westerly branch, and thence by such a course as would intersect the boundary in 42° north latitude. In return for the cession of territory consequent on the adoption of the first of these lines, Mr. Poinsett was authorised "to go as high as five millions," which offer was to regulate the scale of pecuniary equivalent to be tendered for the other boundaries respectively.

The United States had large pecuniary claims, in the way of indemnity, upon the Mexican government, which might perhaps have covered the contemplated purchase, and the time was deemed auspicious for the cession. "The comparatively small value of the territory in question to Mexico; its remote and disconnected situation; the unsettled condition of her affairs; the depressed and languishing state of her finances; and the still, at this moment, particularly threatening attitude of Spain: all combine to point out and recommend to Mexico the policy of parting with a portion of her territory, of very limited and contingent benefit, to supply herself with the means of defending the residue with the better prospect of success, and with less onerous burdens to her citizens." Before this letter of instructions reached the American Envoy, the Mexican government, moved by strong feelings of dislike to Mr. Poinsett, in consequence of his alleged interference in the domestic affairs of the country, peremptorily demanded his recall. The demand was acceded to, and Colonel Anthony Butler of Mississippi was appointed his successor, but no progress was made in the negociation for the purchase of a more extended western boundary.*

* General James Hamilton of South Carolina, who represented Texas in

The Mexican President Guerrero, installed by military force, trusted to the same agency for securing his tenure of power. The charge of maintaining a dictatorship having been preferred against him, Bustamente, who was in command of a body of troops, held in readiness to repel Spanish invasion, thought it a favourable time for striking a blow for supremacy. Demanding concessions which he knew would not be granted, he proceeded towards the capital, for the ostensible purpose of reforming executive abuses. The government was overthrown, without a struggle. Guerrero fled to the mountains, and Bustamente assumed the chief authority. His administration was sanguinary and proscriptive; his object being the subversion of the Federal Constitution, and the establishment of a central government. Centralism was strong in the support of the military, the priesthood, and the great Creole proprietors; the Federation was popular with the majority of the inhabitants, and was sustained by their votes.

In the spring of 1830, Juan José Codallas, an influential Mexican who had been driven by persecution to the mountains, published a Plan, demanding of Bustamente the restoration of civil authority. Encouraged

the late Treaty between Great Britain and that Republic, was offered, in 1829, the mission to Mexico by General Jackson, to treat for the purchase of the territory and its annexation to the United States, but, owing to domestic engagements, was obliged to decline the appointment. General Hamilton had been a member of Congress for South Carolina seven years, was at the head of the Military Committee of the House of Representatives, and one of the leaders of the House in opposition to the administration of Mr. John Quincy Adams; he was afterwards Governor of South Carolina, and signed the ordinance of the Convention of that State nullifying the Tariff.

by this demonstration, Guerrero reappeared in the field, but the Constitutionalists were unsuccessful. Codallas was captured, and Guerrero, obliged to fly to Acapulco, was placed in the hands of his enemies by the commander of a Sardinian vessel employed for the purpose. Conveyed to Oaxaca, he was tried by a mock court-martial, condemned as a traitor, and executed in February, 1831.

A decree issued by Bustamente on the 6th of April, 1830, clearly testified the altered dispositions of the Mexican Government towards the Anglo-American settlers in Texas. The eleventh article of that decree prohibited the citizens of foreign countries lying adjacent to the Mexican territories from settling as colonists in the States or Territories of the Republic adjoining such countries, and suspended those contracts of colonization, the terms of which were opposed to this article. No change was to be made with respect to the colonies already established, nor with respect to the slaves which they contained; but the further introduction of slaves was forbidden. The entrance of foreigners from the frontier of the North was prohibited under any pretence whatever, unless furnished with passports signed by a Mexican agent in the country whence they came. Convicts, for the construction of public works, and Mexican families, for settlement, were to be conveyed to the new colonies, for the regulation of which the government was to frame a system, and to appoint commissioners to visit those on the frontier, and contract with the State Legislatures for the purchase, by the nation, of lands suitable for the settlement of Mexicans and foreigners.

This unforeseen and rigorous enactment produced much discontent in Texas, against which it was evidently directed. It subjected the immigrants to great injury and loss: many already settled were denied titles to land, and others, who had abandoned their homes in the United States, were ordered to quit the country on their arrival, being the first intimation they received of the existence of the law. Through the intervention of Colonel Austin with the Government Commissioner, the severity of these proceedings was somewhat mitigated—the operation of the decree being suspended for a time, as regarded sea-borne emigrants—but no land titles were given except in Austin's and Dewitt's Colonies. Simultaneously with the abrupt obstruction of Anglo-American settlements, additions were made to the garrisons of Texas, and civil authority began to be superseded by martial law.

The grants conceded to Empresarios now extended nearly over the whole surface of Texas. In the jurisdiction of Nacogdoches there were five: those of Zavala, Vehlein, Burnet, Filisola, and Milam. In the jurisdiction of the Brazos, three: the several grants made to Stephen Austin—one of which, by the approval of the Supreme Executive power of the Federal government of Mexico, empowered him to settle three hundred foreign families within the ten league reserve on the coast, between the Labaca and San Jacinto rivers. In the jurisdiction of Bexar, five: those of Dewitt, De Leon (Mexican), Bexar department—Power (Irish), M'Mullen, and M'Gloine (Irish). In the Northern and Northwestern parts of the province were Cameron's first and second grants, Wilson and Exter's, and those

of Leftwich and Woodbury. Besides the contracts previously noted as having been partially fulfilled, were those of De Leon and the Irish Empresarios. Most of the grants, however, lapsed to the government, and some were included in new concessions. The only contractor who was thoroughly successful in executing his engagements was Stephen Austin; but the country was steadily advancing in population and resources, and only required, to insure its greatness and prosperity, that just and peaceful administration of its affairs which ill accorded with the presence of a licentious soldiery, and the lawless ascendency of their dictatorial chiefs.

CHAPTER VI.

Spanish and Mexican estimate of the Value of Waste Lands—Increasing Value of Texas from Anglo-American Colonization—Military rule in Texas—Violation of Constitutional Rights and Rising of the Colonists—Defeat of Ugartechea and Piedras, and flight of Colonel Bradburn—Plan of Vera Cruz—Expulsion of the Garrisons and defensive statements of the Colonists—Convention at San Felipe—Petition for separating Texas from Coahuila—Grievances of the Texans—Stephen Austin's Mission—Commotions in Mexico—Reception of Austin by the General Government—His Advice to the Colonists, and its Consequences.

THE colonization laws of Mexico invited foreign settlers, and guaranteed the security of their persons and property; the avowed object of the government being to control the Indians and create a productive frontier population. Although the adoption of a regular system of land sales had been recommended to the Mexican Congress by the Executive in 1823, colonization was chiefly carried on by the plan of contract, and large tracts of land were granted gratuitously, independent Mexico attaching as little substantial value as old Spain to its waste lands. Edmund Keene, the first Empresario for Texas, was appointed under the Spanish government, with a grant of 21,000 square leagues of the choicest territory.* Robert Owen has recorded the fact, that he visited Mexico in the well-founded hope of obtaining from the philosophic munificence of the republican authorities the cession of Texas, for the development of his new organization of society. In short, until

* "Argument and Observations on the Empresario Contracts of Texas, by John Woodward, New York, 1837."

Anglo-American enterprise and industry had imparted marketable value to the luxuriant wilderness, Texas was valueless and useless to its nominal possessors, who had ceased to incur even the expense of maintaining the old military posts. Indeed, to the great majority of the Mexicans, the country was known only by its evil reputation, as the haunt of irreclaimable savages.

In less than ten years, flourishing settlements had been formed, from the Sabine to the Colorado. The inhabitants, far removed from the theatre of the civil commotions which had never ceased to disturb and depress Mexico from the year of its liberation, were occupied in raising agricultural produce, rearing cattle, and devising schemes of practical improvement. Emigration from the United States, although checked by the decree of the 6th of April, 1830, had increased the number of colonists to about 20,000; of whom a large proportion were in the prime of vigorous manhood. Mexican cupidity was awakened by their prosperous progress. Their disinclination to pay the factious soldiery of the interior, and their heretical leanings, had embittered against them the two predominant classes of the nation; their opposition to what they considered oppressive and insulting custom-house regulations, and their stubborn independence, had irritated and alarmed a vain and vacillating government. In violation of constitutional guarantees, it was determined to rule the Anglo-Americans (of all people the most jealous of military interference in their internal affairs) by the power of the sword.

Military posts were established in the various settled districts and trading points,—at Nacogdoches, Bexar, Goliad, Anahuac, Galveston, Velasco, Fort Teran, Vic-

toria, and Tenoxtitlan. About 1300 Mexican soldiers were distributed at the different stations. These troops were of the very worst description—composed of convicts and inferior castes, whose domineering habits, acquired under the military oligarchy which preyed upon the interior, rendered them utterly unfit to mingle with law-respecting men. The civil authorities of Texas, subordinate to the Governor and Legislature of the State of Coahuila and Texas, were the Political Chiefs, and the Ayuntamientos of the three jurisdictions—Bexar, the Brazos, and Nacogdoches. Each Political Chief presided over the *Cabildo*, or municipal council, held in the capital of his district, and was officially bound to enforce the general laws of the State within the limits of his command. Bexar, being especially a Mexican department and the most extensive of the three, had the honour of giving a Political Chief to *all* Texas.

The first collision between the colonists and the military occurred at Anahuac, a post under the superintendence of Colonel Bradburn, in the autumn of 1830. The commandant, an American who had served in the Mexican revolutionary war, countenanced and encouraged by the general government, committed many violent and arbitrary acts. By order of the Commandant-general, Teran, he arrested, in 1831, Don Francisco Madero, while engaged in executing his commission from the Governor of Coahuila and Texas, authorising him to put the settlers on the Trinity river in possession of their lands. The Commissioner and his surveyor, Jose Maria Carbajal, were taken by Bradburn's soldiers, and imprisoned at Anahuac. The arrest was made under the plea that the Commissioner was acting in contravention of the Eleventh Article of the Law of the 6th of

April, 1830; but its gross illegality was manifest, and was emphatically condemned by the Governor of the State.*

The next attack upon the rights of the Texans was the subversion of the Ayuntamiento, legally organised for the settlement of Liberty on the Trinity river. Not content with formally abolishing this municipality by a laconic military order, and preventing the elections by force, Colonel Bradburn chose to establish another at Anahuac, without either the sanction or the knowledge of the State government. This garrison corporation claimed an extraordinary share of civil prerogative; and the commandant, its head, assuming the appropriation of extensive sections of land in the character of empresario, distributed grants by virtue of the law of the strong arm, in contempt of the law of the State. Yet the principal officers of this very Ayuntamiento were threatened with military arrest, and obliged to fly to Austin's colony.

Emboldened by the impunity which attended his violent and unconstitutional proceedings, Bradburn ventured to infringe the personal liberties of the settlers. Some of the soldiers who were employed in cutting timber, having assaulted a respectable citizen, several of his neighbors waited on the commandant to demand punishment of the offenders. Their appeal being disregarded, they resolved to intercept the aggressors and

* In the message of the Governor to the legislature of the State of Coahuila and Texas, at the opening of the session in 1832, after noticing the illegal conduct of Bradburn, in arresting the Commissioner Madero, His Excellency observed—"This matter is in such a situation that, to remove the obstacles, it would be necessary to adopt measures that might compromise the State in the highest degree."

inflict summary chastisement themselves. Intimation of their intention was conveyed to Bradburn, who had them suddenly arrested and imprisoned in the fort. About the same time, William Barrett Travis, whose name was afterwards distinguished in Texan history, was also confined at Anahuac, on suspicion of being the author of a threatening letter to the commandant. Alarm and indignation at these lawless proceedings spread among the colonists, who assembling at Anahuac to the amount of about 150 men, headed by John Austin, * respectfully applied for the release of the prisoners. Receiving a refusal, they threatened to reduce the garrison; whereupon the commandant, ordering the prisoners to be pinioned to the ground, declared that the first shot fired by the colonists should be the signal of their fate. Travis, hearing this, called on his friends to fire away, and not regard his life, as he would rather die a thousand deaths than permit the oppressor to remain unpunished. In reply to Bradburn's menace, the colonists vowed that if he dared to execute it, the crime and its retribution should be written on the walls of the fort in his best blood. A few shots were fired, but, before a regular attack was commenced, terms of adjustment were proposed and accepted, by which the commandant agreed to

* John Austin was a native of Connecticut in New England, but unconnected with the family of Stephen Austin. Being of an adventurous spirit, he wandered, while yet a boy, from a quiet and religious home, and went "before the mast." One of his voyages brought him to a Mexican port, from which his curiosity led him to the capital, where he became acquainted with Stephen Austin, then engaged in the final negotiations respecting his first colony, and accompanied him to Texas. "He had," says Mrs. Holley, "Great strength of character, was foremost in every important crisis, and ready at every post of danger."

the immediate release of the prisoners, on condition that the colonists should previously retire six miles from the fort. No sooner had the latter withdrawn than, availing himself of the opportunity of procuring some military stores deposited in another part of the village, Bradburn retracted his agreement, and bade defiance to the colonists, who forthwith seriously resolved to attempt the reduction of the garrison. Leaving his force under the command of W. C. Hall, John Austin proceeded in quest of artillery to Velasco. Ugartechea, the officer in command at that place, having opposed the shipment of the cannon, Austin determined on taking it by land. Fearing, however, that, in his absence, Ugartechea might harass the colonists on the Brazos, he asked an explanation of his intentions, and was informed that, as a subordinate to Colonel Bradburn, he would obey his orders, should they direct him to attack the settlement at Brazoria. Under these circumstances, Austin decided on dislodging Ugartechea before he joined his friends before Anahuac.

On the morning of the 26th of June, 1832, while it was yet dark, 112 Texans, commanded by John Austin, began the attack on the Mexican garrison of Velasco, directed in their fire by the flash of the guns from the fort. Until day dawned, they fought at great disadvantage, and suffered considerably, not only from small arms, but from a gun mounted on a swivel upon a bastion: their opponents sustained comparatively little injury. With the return of light, the skill of the Texan marksmen operated with deadly effect. Every Mexican who showed his head above the walls of the fort was shot; the cannon was repeatedly cleared; and the hands that successively held the lighted match were shattered

by the rifle, with the precision of expert pistol practice, until, at last, Ugartechea, unable to man the bastion with his terrified mercenaries, ascended it himself, and directed the gun. Respecting him as a man, and admiring his gallant bearing as a soldier, the Texans, although they might have despatched a bullet through either eye of the commandant, abstained from firing, and the fort was surrendered; terms of capitulation being duly subscribed, and the Mexicans received and treated with kindness. In this affair eleven Texans were killed, and fifty-two wounded, twelve of them mortally. Of the 125 Mexicans who formed the garrison, about one-half were killed, and seventeen lost their hands by the fearful drilling of the rifle.

After the fall of Velasco, Austin conveyed the cannon to the force assembled at Turtle Bayou for the siege of Anahuac; but, on arriving there, he learned that the object of the colonists had been accomplished. It appeared that Bradburn had conveyed intelligence of his situation to Colonel Piedras, commandant of the Eastern frontier, at Nacogdoches, and requested him to repair to Anahuac with reinforcements. Piedras started with a considerable force; but, intercepted by the colonists posted at Turtle Bayou, who were now 300 strong, he was obliged to capitulate without a contest. In consideration of being permitted to return unmolested to Nacogdoches, he engaged, as the superior in command, to release the prisoners at Anahuac, and to bring Bradburn to trial. The latter escaped from the fort, and fled to New Orleans.

Thus far the colonists had proceeded triumphantly in resistance to military oppression; but subsequent reflection brought with it apprehensions of evil conse-

quences from their temerity in taking arms against the Federal troops. For the purpose of depriving their acts of the rebellious aspect which they were certain to assume in the eyes of the Mexican authorities, they adopted a series of resolutions, setting forth that, in expelling Bradburn and Ugartechea, they were influenced chiefly by zeal for the Plan of Vera Cruz, proclaimed by Santa Anna in the beginning of the year 1832.

The agitation of this Plan, which was a movement on popular and constitutional grounds against Bustamente and his arbitrary encroachments, commenced with the garrison of Vera Cruz, and extended over the whole interior of Mexico. Pedraza, who had been ejected from the Presidential chair and banished, was recalled. After a struggle of nearly a year, attended by the usual proportion of anarchy and bloodshed, Bustamente, depressed by defeat and the death of his favourite general Teran, the enemy of the Texan colonists, proposed an armistice to Santa Anna, which terminated in an arrangement between them, whereby it was agreed that Pedraza should be received as the constitutional President, by virtue of the election of 1828, and that the armies of both parties should unite in support of the Federal Constitution in its original purity. The Mexican Congress refused its assent to this treaty; upon which the rival chiefs entered into a fresh compact to enforce its stipulations, without regard to the opposition of the legislative body. Pedraza was installed as President on the 26th of December, 1832; and, after serving the small remainder of his constitutional term, which expired on the 1st of April, 1833, he was succeeded by Santa Anna, with Gomez Farias as Vice-President, the first that had been chosen from civil life. Entering

the capital on the 15th of May, the new President assumed the duties of his office. The Federal system, which had been outraged by the usurpations of the Centralist leader, Bustamente, was again recognised, and apparently re-established, under the new administration.

During the progress of these events, intelligence of the rising in Texas had been communicated to Santa Anna, who believing that the object of the Anglo-Americans was separation from Mexico, despatched against them Colonel Mexia, who sailed from the Barra Santiago, at the mouth of the Rio Grande, on the 14th of July, with five vessels, and a force of 400 men. Stephen Austin, then a representative from Texas in the State Legislature, embarked with Mexia, and on the 16th the fleet anchored off the entrance of the Brazos. An official letter was addressed by Mexia to the second Alcalde of the second department of Austin's colony (John Austin), who, in reply, detailed the late events in Texas, and the motives of the colonists in appealing to arms.

"We are farmers, and not soldiers," said Austin; "therefore desire that the military commandants shall not interfere with us at all. Since 1830, we have been pretty much governed militarily, and in such a despotic manner that we were finally driven to arms, to resist within their limits the military subalterns of the general government. We have not insulted the flag of our adopted country, as had been surmised from our first movements; but, on the contrary, we have sustained its true dignity, and attacked those who have outraged it, by using it as a pretext for their encroachments upon the Constitution and Sovereignty of the State of Coa-

huila and Texas, and as a cover for their baseness and personal crimes.

"The commandant of Fort Velasco acted under the orders of the commandant of Anahuac, Colonel Juan Davis Bradburn. An investigation of the conduct of that officer will inform you fully of the details of many despotic and arbitrary acts. He was sustained by the commandant of Nacogdoches, Colonel Piedras, and by that of Fort Velasco, Lieutenant Colonel Ugartechea, and, consequently, we were *compelled* to oppose them all.

"Therefore we attacked Fort Velasco on the 26th of last month, with 112 farmers, hastily collected, without discipline, and badly armed; and, after an obstinate and bloody engagement of eleven hours, it surrendered, on the terms expressed in the enclosed copy of the capitulation—every article of which has been strictly complied with on our part, besides furnishing the provisions needed for the troops."

Representatives from the different Ayuntamientos were convened at San Felipe, by whom the causes of the disturbances were fully investigated, and a formal explanatory statement drawn up and presented to Mexia, to be by him transmitted to General Santa Anna. This statement, after reciting the arbitrary measures of Colonel Bradburn, expressed the earnest desire of the colonists that the government should be restored to its constitutional basis, according to the principles of the Federal republican party headed by Santa Anna; and conveyed their declaration that their only aim was to sustain the Constitution and the laws, which the military had violated. Professing to be satisfied with the

explanations and assurances offered by the Texans, Mexia sailed with his fleet to Matamoras, taking with him, as a re-inforcement to the army of Santa Anna, the garrison of the dismantled fort at Velasco, and such other Mexican troops as were disposed to act against Bustamente. Piedras, the commandant at Nacogdoches, declined Mexia's invitation to join the "Liberating Army" in Mexico, which afforded the inhabitants of that place a pretext for expelling him. Declaring in favour of the Vera Cruz Plan, the Nacogdoches settlers attacked the garrison in their "*quartel*," and after protracted skirmishing, in which three Texans were killed and seven wounded, and eighteen Mexicans killed and twenty-two wounded, the latter evacuated their quarters during the night, and retreated towards the river Angelina. Pursued by a party of twenty mounted men, who killed two of their number and wounded several, their leader, Piedras, proposed a temporary cessation of hostilities; as it was late in the evening, he was allowed to occupy the house of an Anglo-American without molestation from the Texans. The next morning, the Mexicans, terrified by a deceptive report of the approach of a large hostile force, surrendered at discretion, and, after being disarmed, were permitted to continue their route to San Antonio de Bexar. Other garrisons withdrew into the interior about the same time. The citizens of Bexar and the governor of the State openly declared for the Plan of Vera Cruz; political unanimity generally prevailed, and, in August, 1832, Texas was free from military domination and internal strife.

The Texan colonists were exposed to severe trials at

the close of this year. Hardly had they been relieved from the aggressions of the Mexican soldiery, when they were threatened with a formidable irruption of frontier Indians. Against these savages their own moral and physical resources constituted the sole means of defence, with the exception of less than seventy soldiers, maintained by the citizens of Bexar. The Bustamente administration, pressed by Santa Anna and the Constitutionalists, was unable to spare either money or men from the exigencies of civil war. The calamities of the settlers were farther increased by the ravages of the cholera, which swept off many valuable members of the struggling community. Among the victims of this terrible disease was John Austin, with his aged father, who had travelled from his distant home to witness the prosperity of his fugitive son.

A strong conviction was now impressed upon many of the Anglo-Americans, that without the possession of full and independent powers of local administration, their social progress must be grievously retarded, and their rights exposed to constant invasion from contending factions and their ambitious chiefs. Under this persuasion, a Convention of the people was summoned to meet at San Felipe de Austin, where it assembled in October, 1832, for the purpose of framing a memorial to the Supreme Government, for the repeal of the invidious law of the 6th of April, 1830, and for the separation of Texas from Coahuila.

It was barely possible that, by conferring an independent State Legislature upon Texas, the Mexican government might have retained it as a member of the National Federation, but it must have been perfectly

obvious to all who had an accurate idea of Anglo-American character and training, that, with the growing power of the colonists, would arise an irrepressible impatience of the loose and anarchial rule which Mexico inherited from her European parent. The local administration was to the last degree imperfect and inefficient. The laws which affected life and liberty, and regulated the civil relations of the settlers, were published in the Spanish language and dispersed in cumbrous compilations in remote districts. The capital of the Federation was distant 1200 miles from their southern frontier—the capital of the State of Coahuila and Texas, about 500. In the latter were the principal public officers, and courts of appeal from the local authorities, and to obtain a hearing was an affair of great difficulty—sometimes not accomplished until after a delay of years. Public education had been neglected, the narrow and meagre plans recommended by the legislature of Coahuila and Texas having remained unexecuted. By a decree of the 13th of May, 1829, it was resolved, that a school of "mutual instruction on the Lancasterian plan" should be established in each department of the State, to consist of 150 pupils each, who were to be instructed in "reading, writing, arithmetic, the principles of the Catholic religion, and all Ackerman's catechisms of the arts and sciences." Another decree, dated the 13th of April, 1830, empowered the executive to establish six primary schools, until those on the Lancasterian system, mentioned in the preceding decree, could be organised.

Public spirit and funds were wanting to enforce these petty enactments, as well as others of a more aspiring

character. The Texan representatives formed a powerless minority in the State Legislature, most of whose laws betrayed a Mexican origin. Notwithstanding various notable devices for raising a revenue, such as the leasing of the "cock-pit location of the whole State" for five years, levying a tax on billiard tables "of twenty-four dollars per annum, to be paid in three equal installments in advance," and an impost of two per cent. on the circulation of money, "the collection to be made in each town at the time of removal of any amount of money, whether the same be destined to a place within or without the State,"* with pecuniary penalties for larceny and official malversation, cigar and other monopolies, &c.,—the treasury of Coahuila and Texas was so deficient in funds to meet "the most urgent expenses," that a decree was passed suspending the office of Government Councillor until the State should be able to defray the expense thereof, and limiting the payment of the Vice-Governor to occasions when he might be called upon, by extraordinary circumstances, such as sickness and death, to discharge the duties of Governor. For the same cause, the department or district Chiefs were suspended from the exercise of their functions, with the exception of the Supreme Political Chief of Texas. A decree of the 2nd of April, 1829, attributed the declining state of the internal trade in a great measure to "the influx of foreigners into the markets," and prohibited merchants belonging to nations that "had not ratified treaties with Mexico" from selling goods by retail. This wise enactment gave place to another, on the 13th of May, 1829, which prohibited

* *Decreto* 3, *dado en el Saltillo, a* 31 *de Julio de* 1827.

"foreign merchants of whatever nation, not naturalised in the Republic of Mexico, from retailing goods in any town in the State, they being permitted to sell only by wholesale, for cash or on credit." The same law forbade the introduction and sale by foreigners, or natives, of coarse cotton and woollen stuffs not manufactured in the Republic. There being few merchants of capital in Mexico, the rule of the native traders was to fix a price on all foreign goods, and neither buy nor sell at any other. This combination compelling certain foreign merchants to retail their own goods—a plan which they found very successful—the Mexican legislators interfered, and deprived them of the privilege.

From the clog of a government with views so puerile and intolerant it was natural that the Anglo-Texans should yearn to be liberated, which they hoped to be by obtaining a separate State government, according to the guarantee of the Constitutional act of the Constituent Congress of Mexico, of the 7th of May, 1824. The subject was fully discussed by the Convention of October, 1832, at San Felipe, which adjourned after a week spent in deliberation. In consequence, however, of the suddenness with which the Convention had been convoked and the non-attendance of a number of the delegates, the proceedings did not afford general satisfaction. A second Convention was, therefore, assembled, at the same place, on the 1st of April, 1833, specially empowered to frame a State Constitution, to be submitted to the National Government with a Memorial praying for the admission of Texas into the Mexican Union, in conformity with the terms of the Federal compact.

A Constitution for the State of Texas, as a distinct and independent member of the Mexican Federation, based upon enlightened principles and securing the right of Trial by Jury and the privilege of *Habeas Corpus*, was framed and adopted, together with a petition to the General Government, declaratory of the injury sustained by Texas in her connexion with Coahuila, and the considerations on which the petitioners deemed her entitled to the rank of a constitutional unity.

The petition commenced by expressing the wish of the inhabitants of Texas, met in General Convention, by means of delegates, for the separation of Texas from Coahuila, believing such separation indispensable to their mutual happiness and prosperity, and satisfied that it would ultimately be productive of the most happy results to the Mexican Republic.

"Our misfortunes," said the petitioners, "pervade the whole territory—operate on the whole population; and are as diversified in character as our public interests and necessities are various. Texas, at large, feels and deplores an utter destitution of the common benefits which have usually accrued from the worst system of internal government that the patience of mankind ever tolerated. She is virtually without a government—and if she be not precipitated into all the horrors of anarchy, it is only because there is a reclaiming spirit among the people which infuses a moral energy into the fragments of authority that exist among us. * * * We complain more of the *want* of *all* the important attributes of government than of the abuses of any.

"There are some impressive reasons why the peace and happiness of Texas demand a local government. Constituting a remote frontier of the Republic, and bordering on a powerful

nation, a portion of whose population in juxta-position with her is notoriously profligate and lawless, she requires, in a peculiar and complete sense, the vigorous application of such laws as are essential to the prevention of illicit commerce, to the security of the public revenues, and to the avoidance of serious collision with the authorities of the neighbouring Republic. That such a judicial administration is impracticable under the present arrangement, is too forcibly illustrated by the past to admit of any natural hope for the future.

"It is an acknowledged principle in the science of jurisprudence, that the prompt and certain infliction of mild and humane punishments is more efficacious for the prevention of crime, than a tardy and precarious administration of the most sanguinary penal code. Texas is virtually denied the benefit of this benevolent rule, by the locality and the character of her present Government. Crimes of the greatest atrocity may go unpunished, and hardened criminals triumph in their iniquity, because of the difficulties and delays which encumber her judicial system, and necessarily intervene between a trial and a conviction, and the sentence and the execution of the law. Our 'Supreme Tribunal of Justice' holds its sessions upwards of seven hundred miles distant from our central population; and that distance is greatly enlarged, and sometimes made impassable, by the casualties incident to a *mail* conducted by a single horseman, through a wilderness often infested by vagrant and murderous Indians. Before sentence can be pronounced by the local courts on persons charged with the most atrocious crimes, the copy of the process must be transmitted to an assessor, resident at Leona Vicario (Saltillo), who is too far removed from the scene of guilt to appreciate the importance of a speedy decision, and is too much estranged from our civil and domestic concerns, to feel the miseries that result from a total want of legal protection in person and

property. But our difficulties do not terminate here: after the assessor shall have found leisure to render his opinion, and final judgment is pronounced, it again becomes necessary to resort to the capital, to submit the tardy sentence to the Supreme Tribunal, for 'approbation, revocation, or modification,' before the judgment of the law can be executed. Here we have again to encounter the vexations and delays incident to all Governments, where those who exercise its most interesting functions are removed by distance from the people on whom they operate, and for whose benefit the social compact is created.

"These repeated delays, resulting from the remoteness of our courts of judicature, are pernicious in many respects: they involve heavy expenses, which in civil suits are excessively onerous to litigants, and give to the rich and influential such manifold advantages over the poor, as operate to an absolute exclusion of the latter from the remedial and protective benefits of the law. They offer seductive opportunities and incitements to bribery and corruption, and endanger the sacred purity of the judiciary, which, of all the branches of Government, is most intimately associated with the domestic and social happiness of man, and should therefore be, not only sound and pure, but unsuspected of the venal infection. They present insuperable difficulties to the exercise of the corrective right of recusation, and virtually nullify the constitutional power of impeachment. In criminal actions they are no less injurious. They are equivalent to a license to iniquity, and exert a dangerous influence on the moral feelings at large. Before the tedious process of the law can be complied with, and the criminal, whose hands are, perhaps, imbrued in a brother's blood, be made to feel its retributive justice, the remembrance of his crime is partially effaced from the public mind; and the righteous arbitrament of the law, which, if

promptly executed, would have received universal approbation and been a salutary warning to evil-doers, is impugned as vindictive and cruel. The popular feeling is changed from a just indignation of the crime, into an amiable, but mistaken sympathy for the criminal; and by an easy and natural transition, is converted into disgust and disaffection towards the Government and its laws."

The petitioners further represented "that Coahuila and Texas were altogether dissimilar in soil, climate, and natural productions; that, owing to the numerical inequality of their respective representatives, the enactment of laws beneficial to Texas could only emanate from the 'generous courtesy' of her constitutional partner, and that legislative advantages to the one might, from incompatibility of interests, be ruinous to the other. Protection from Indian depredations, they declared to be of vital importance to Texas, which protection Coahuila was unable to render: the Indians in their immediate neighbourhood had been denied justice, which would be granted by independent Texas. Finally, Texas possessed the necessary elements for a State government, and for her attachment to the Federal Constitution and to the Republic, they pledged their lives and honours."

Among the various petitions to the general government, which accompanied the preceding, there was one complaining of the tariff, a frequent source of dissension between the settlers and the officers of the Federation. This petition represented that the duties on articles of necessity to the inhabitants, that were not, nor could be manufactured in Texas for years to come, were so high as to amount to a total prohibition, and many

other articles of prime necessity were absolutely prohibited. The people of Texas being generally farmers, subsisting by agricultural labour, and destitute of manufacturing establishments, they prayed the general government to grant them for three years the privilege of introducing, free of duty, certain articles indispensable to their comfort and advancement—among which were enumerated, provisions, iron and steel, machinery, farming utensils, tools of the various mechanic arts, hard-ware and hollow-ware, nails, waggons and carts, cotton-bagging and bale-rope, coarse cotton goods and clothing, shoes and hats, household and kitchen furniture, ammunition, medicines, books, and stationery. Many of these articles were either directly or indirectly prohibited. It was stated, in conclusion, that the trade of Texas was small, and the resources of the settlers limited, but, if fostered by a liberal policy on the part of the general government, the trade would in a few years yield a revenue of no little importance.

For the purpose of bringing the petitions under the serious consideration of the Federal Government, the Convention nominated three commissioners—Stephen Austin, Erasmo Seguin, (a respectable Mexican planter,) and James B. Miller. Ultimately, however, the danger and toil of the mission devolved solely upon Colonel Austin, who, although he, in common with the majority of the colonists, deprecated every approach to rash and precipitate measures, and was doubtful of the expediency of appealing, at that particular time, to the Supreme Government for admission into the Union, acceded to the legal and constitutional expression of the popular will. On the rise of the Convention, he left

Texas in April for the city of Mexico, where he soon afterwards arrived, and found the spirit of faction in as virulent activity as it had been ten years before, when he was a suitor for the confirmation of his contract of colonization.

On the 1st of June, little more than a fortnight after Santa Anna had formally entered upon the exercise of the Presidential duties, General Duran promulgated a plan, at San Augustin de las Cuevas, in favour of the church and the army, and calling the illustrious Santa Anna to the Supreme Dictatorship of the Mexican nation. Although there were the strongest grounds for believing that the versatile and ambitious President had secretly instigated this movement, he raised a large force, and appointing Arista, one of Bustamente's most devoted partisans, his second in command, left the capital with the professed intention of quelling the revolt, Lorenzo de Zavala, governor of Mexico, and a political associate and supporter of Santa Anna in federal principles, had in vain remonstrated against the appointment of Arista to such an important trust. The government troops had not proceeded far when Arista, changing his views, declared in favour of the Plan of Duran, and secured the President's person, simultaneously proclaiming him Dictator. News of the movement reached the military in the capital, who joined in the cry of "Santa Anna for Dictator!" but the Vice-President, Gomez Farias, distrusting Santa Anna, and convinced that the arrest was a voluntary trial of his popularity, to test the probability of succeeding in his ulterior aim of unconstitutional ascendancy, rallied the Federalists against the soldiery, and, aided by Zavala, frustrated the ingenious

scheme of the President and his allies. Affecting to make his escape, Santa Anna returned to the city, satisfied that the public mind was not yet prepared for the adoption of a Central Government. To reinstate himself in the confidence of the friends of the constitution, he determined to sacrifice the very persons he had suborned to rebellion. He raised accordingly another force, and joined by a division under General Mexia, pursued the insurgents, whom he compelled to surrender at Guanaxuato. Arista was pardoned and Duran banished, and the victorious President returned to the capital, where he was hailed by the populace as the champion of the Federal Constitution and the father of his country! Disappointed in this attempt, Santa Anna retired for a season to his estate, where he occupied himself in endeavours to effect by intrigue what he had failed to accomplish by a dexterous stroke of political strategy.

In the absence of the executive head, his authority devolved upon the Vice-President, Gomez Farias, who, entertaining a confirmed dislike of the priesthood and the military, commenced a system of retrenchment and reform by reducing the army. His views were followed out by Congress, which passed several salutary laws for restraining the power of the clergy. In order to relieve the financial embarrassments of a country burdened with a heavy public debt, and unprovided with means for maintaining even its peace establishments, the Federal Legislature was about to appropriate a portion of the ecclesiastical revenues to the public use, when signs of revolutionary outbreaks appeared in various quarters. Countenanced, probably, by Santa Anna, who had openly

displayed his hostility to Farias and his policy, General Bravo commenced an insurrection in the south, and an attempt was made to seize the Vice-President in his house at Mexico. It was amidst this turmoil of antagonist parties that Austin sought to obtain the acquiescence of the General Government in the wishes of the Texan colonists, as expressed by their petitions.

In a despatch to the municipality of Bexar, dated the 14th of August, he intimated his expectation of a favourable result to his mission; still no definitive arrangement had been made. To use his own words, "Months had passed, and nothing was done with the petition, except to refer it to a Committee of Congress, where it slept, and was likely to sleep. I finally urged the just and constitutional claims of Texas to become a State, in the most pressing manner, as I believed it to be my duty to do; representing, also, the necessity and good policy of this measure, owing to the almost total want of local government of any kind—the absolute want of a judiciary—the evident impossibility of being governed any longer by Coahuila (for three-fourths of the Legislature were from thence), and the consequent anarchy and discontent that existed in Texas. It was my misfortune to offend the high authorities of the nation: my frank and honest exposition of the truth was construed into threats. At this time (September and October, 1833) a revolution was raging in many parts of the nation, and especially in the vicinity of the city of Mexico. I despaired of obtaining anything; and wrote to Texas, recommending the people there to organise a State, *de facto*, without waiting any longer. This letter may have been imprudent, as re-

spects the injury it might do me personally; but how far it was criminal, or treasonable, considering the revolutionary condition of the whole nation, and the peculiar claims and necessities of Texas, impartial men must decide."

Austin had irritated the national pride of the Vice-President by plainly stating, what he knew must ultimately be the effect of rejecting the appeal of the colonists. The letter to which he alludes was addressed to the municipality of Bexar, from the city of Mexico, on the 2nd of October. He informed the municipal authorities that, after the 14th of August, the Congress had been deterred from meeting regularly by the cholera. The sudden civil war, of which it was difficult to foresee the result, had, moreover, paralysed public affairs; so that, up to the hour of writing, nothing had been, nor was likely to be done. "In such a state of things," he adds, "I strongly recommend that all the municipalities of Texas should come, without delay, to an understanding—organising a local government for Texas as a State of the Mexican Confederation, grounded on the law of the 7th of May, 1824. Things should be prepared with union and harmony, thus being ready for the time when the Congress will refuse their approval.

"This step," he remarks in conclusion, "is absolutely necessary as a preparatory measure; as we can no longer doubt that, if the inhabitants of Texas do not take matters into their own hands, that beautiful country is ruined for ever. I now recommend the only course which we can pursue to save ourselves from anarchy and total destruction. Under such circumstances, I trust

that you will lose no time in addressing a communication to every corporation of Texas, exhorting them to concur in the organization of a local government, independent of Coahuila, even should the Supreme Government of Mexico refuse its consent."

Having transmitted this letter to its destination, and having obtained through his friend Lorenzo de Zavala, the Governor of Mexico, the repeal of the whole of the eleventh aritcle of the law of the 6th of July, 1830, by which "the citizens of foreign countries lying adjacent to the Mexican territories" were "prohibited from settling as colonists in the States or Territories of the Republic adjoining such countries," Colonel Austin quitted the capital and proceeded towards Texas. On the 10th of December he took leave of the Vice-President, to whom he had become personally reconciled. In the meantime, the letter of the 2nd of October had been received and discussed by the municipality of Bexar. Owing, perhaps, to the preponderance of Mexican influence in that corporation, the recommendations of the Commissioner were disapproved by the majority, and the communication itself forwarded to the federal authorities in the city of Mexico. Highly incensed by the discovery, the Vice-President despatched an express, with orders to the governors of the different States through which he was to pass, to secure Austin's person. He was arrested at Saltillo, 230 leagues from Mexico, taken to back to that city, and imprisoned in the dungeons of the old Inquisition—shut out from the light of day, and not allowed to speak to or correspond with any one, nor to have books, pen, ink, or paper. Parties hostile to Austin and his object had inflamed the mind

of the Vice-President against him, so that he had become his most violent and bitter enemy. Farias was an honest supporter of the Federal system; but he was of a hard and unyielding temper, and was governed by the opinion that the enforcement of a modified system of terror was essential to the welfare of the country.

CHAPTER VII.

Settlement of Beales' and Grant's Concessions on the Rio Grande in 1833-4—Departure of the Amos Wright schooner from New York and arrival in Aransas Bay—Unpropitious season—Mexican Coast Guard and Collector of Customs—Difficulty of Winter Travelling—Refugio and Goliad—Mexican Rancho—Bexar—Journey to the Rio Grande—Founding a Town—Departure of the Empresario—Fate of the Settlement—Superiority of Anglo-American Colonization.

In the history of a modern colony, every advance towards the formation of a new settlement has a claim to be recorded. Whether the attempt to colonise has been successful or unsuccessful, it seldom fails to supply useful instruction to future adventurers. Holding this opinion, and moreover desirous to exhibit the condition of a large and yet unsettled portion of the Republic of Texas, as it was under Mexican rule a few years ago, I pause in the narrative of general events, to relate the first operations of an association which made the earliest essay to establish a foreign colony in the district lying between the river Nueces and the Rio Grande.

Doctor John Charles Beales, whose name has been previously mentioned in this work, concluded with the State of Coahuila and Texas a contract for colonising a tract between those rivers, comprising three millions of acres. To this concession was added another of five millions of acres, farther to the north. Doctor Beales, now in the practice of the medical profession in the city of New York, is an Englishman, a native of Aldborough, in Suffolk, and was married in the city of

Mexico, in the year 1830, to Doña Maria Dolores Soto, a Mexican lady, the widow of Richard Exter, an English merchant, who, by virtue of an agreement with Stephen Julian Wilson, a naturalised citizen of the Mexican Republic, became a partner in certain Empresario contracts. Having in partnership with James Grant, a naturalised Mexican citizen, obtained Empresario rights for the settlement of 800 European families, Doctor Beales, still retaining his character of Empresario, with the approval of Mr. Grant, associated himself with a New York Company, formed of persons of respectability, who provided the requisite funds for procuring emigrants from Ireland, France, and Germany, and conveying them to the settlement. According to a manuscript journal transmitted by Dr. Beales to the Directors of the Rio Grande and Texas Land Company, with which I was favoured by the Company's secretary and legal adviser, Mr. Charles Edwards of New York, the first body of colonists—fifty-nine in number—embarked at New York for Aransas Bay, in Texas, in the schooner Amos Wright, on the 10th of November, 1833. To each emigrant the Empresario was to concede one *labor* of land and a house lot free of charge.

The vessel sailed on the 11th of November, a very injudicious period, as it exposed the emigrants to the discouragement and inconvenience of arriving in Texas at the most unfavourable season of the year. On the 3rd of December land was descried in Matagorda Bay; on the 4th, at 9 o'clock A. M., land was made, 30 miles north of Aransaso inlet, and at 1 o'clock on the 6th, the schooner crossed the bar, with nine feet water, and

came to anchor; the wind veering north-east and north-west. Head winds and strong tides delayed the vessel two days, but at 10 o'clock A.M. on the 8th they commenced warping up the bay. On the 9th it blew a very strong gale from the north, which prevented further progress: at 9 o'clock A.M. on the 10th they commenced warping up the channel, with light winds from the north. The wind becoming more favourable at noon, they proceeded as far as Live Oak Point, where they anchored. At 8 o'clock, A.M., on the 11th, they weighed anchor and steered for Copano, distant about six miles to the westward, when the vessel ran aground, and they were unable to anchor until about 2 o'clock, P.M. On account of the superior freshness of the language, I shall borrow from the journal itself those passages which tend to illustrate the character of the expedition, and the social and physical aspect of the country.

On the 11th of December, the master of the schooner (Mr. Munroe) went ashore, and brought off the captain of the Mexican coast-guard and all his force, consisting of a corporal and two soldiers.—"Had at supper the pleasure of the officer's company who went ashore at 7 o'clock, completely intoxicated. On coming aboard, the military wished to give us a salute, but, unfortunately, only one pistol would go off. We had the mortification of learning, first, that we could not clear the vessel without going to Goliad (La Bahia), a village about 15 leagues distant; and secondly, that nothing could be done until the Collector of the Customs should pay us a visit, and it would be necessary to send an express to him. It was some comfort, however, that the

captain of the coast-guard very coolly allowed us to disembark everything without the formality of either entering the vessel or receiving a custom-house officer."

Dec. 12th.—Went on shore to select a proper place for pitching our tents, which we arranged to have immediately on the shore, having an oyster-shell beach, and protected by a few bushes. At this time we had a plentiful supply of water in the ponds on the prairie, but it must be observed that, in the dry season, there is no water near this place, and it would be necessary to send a boat for it to Live Oak Point. There was a small half-finished frame-house on the beach, usually uninhabited, but occupied, when there was any vessel in the bay, by the captain of the coast-guard. A party set to work, clearing and levelling the ground, for the purpose of pitching the tents. This business was not completed for two or three days, and while the majority lived in the tents, a great many built small houses, so that our camp at the end of a week presented a very comfortable appearance. The business of disembarking went on very slowly, as the vessel could not approach within four hundred yards of the beach. At last we hit upon a plan which succeeded perfectly; we ran a waggon into the water as far as it could conveniently go, and loaded it from the boat; and then by the aid of long ropes hauled it ashore. This operation lasted five or six days: in the mean while, the people were divided into six watches, and went upon guard regularly, three hours each watch.

Dec. 15th.—To-day the much-expected Collector of the Customs, Don Jose Maria Cosio, made his appearance; and as our vessel is the largest that has entered this port, he brought with him his wife and another lady, as well as an Indian. This visit rather deranged us, as, from the situation

he held, he might give us a great deal of trouble, or the reverse: we therefore roused our cooks, and with some difficulty mustered a tolerable bill of fare, of which the "civilised" part of the expedition partook in the cabin of the schooner. Myself, being an old Mexican, was of course at home, but the rest of the party were rather surprised at observing that the ladies were not yet initiated into the art of cutting their own victuals; and still more so when they took out their cigars and speedily filled the cabin with smoke!—The Collector was an old officer of the army, who had travelled through all parts of the Republic, and possessed a great deal of information. I was highly amused, in my conversation with the Senora Administradora at the tone of contempt in which she spoke of "the poor, out-of-the-world, ignorant village of La Bahia. Indeed," she observed, "persons who had seen large cities could not live happily in such a banishment;" and then, with quite an air, assured me that she was herself "born and bred in Saltillo!"—The other lady, being a Badina, was of course struck dumb by the superior knowledge of the Saltillena. Fortunately, the afternoon at length passed, and our visitors were escorted on shore.

Dec. 17th.—The Collector and his family took their leave; the former having behaved in the most obliging manner, positively refusing to have a single article examined. This was indeed a favour, as, although we had nothing that was subject to duty or seizure, still an active examination would have caused us several days' hard work, in opening and closing our trunks, chests, &c. &c. Our little attentions were thus amply repaid. The Indian amused the people very much by his skill in shooting with the bow and arrow. I sent him out to shoot game, and he returned in a short time with a very fine deer, for which I paid him half a dollar.

Dec. 19th.—The two last days have been exceedingly un-

comfortable, blowing fresh from the northward, with heavy rain, so that we were unable to move out of our tents. A servant arrived from La Bahia, with six of my mules and one horse, these being all that remained out of fifteen left there to be taken care of.

Dec. 20th.—Mr. Power, Captain Munroe, and myself started on hired horses for La Bahia, but after proceeding about three leagues we came to the "Lake of the Mission," and found it so full of water that it was impossible to ford it. We therefore were obliged to turn back, and arrived at the tents a little after dark.

Dec. 21st.—The same party made a second start for La Bahia, in one of the heavy waggons drawn by the six mules, taking the horses also by way of precaution. On account of the difficulty experienced yesterday, we took the other road, and found it execrable, the water being up to the animals' knees nearly the whole of the way. With great difficulty we made about six miles, when we stopped at a small elevation which was dry and had a few bushes on it. We quickly kindled a fire, made a good supper, and then went to bed—Mr. Power and myself in the waggon, and the others on the "cold ground."

Dec. 22nd.—Made an early start, but after struggling through about two miles, the mules could no longer draw the waggon; we were therefore obliged to send them back, while Mr. Power, self, and my servant Marcelino, proceeded on horseback. At about 8 o'clock we arrived in La Bahia, and as I had a letter of introduction to Don Miguel Aldrete, the Alcade, he was polite enough to give us the use of a small house during our stay, where, through the successful foraging of Marcelino, we contrived to be tolerably comfortable.

Dec. 23rd.—La Bahia, or Goliad, is a wretched village, situated on the right bank of the San Antonio River, about

40 miles from the 'Copano.' It contains eight hundred souls. It is most beautifully placed, having the old ruined church of the Mission on a rising ground in front, and backed by woods on the opposite side of the river. This, with common industry, might be made a very pretty village, as they have an abundance of soft limestone easily worked, and the soil is very fertile; but, from the negligence and idleness of the Mexican inhabitants, the streets are complete ravines. They have no gardens, and the houses are built partly of logs and partly of mud. The inhabitants are, almost without an exception, gamblers and smugglers, and gain their subsistence by those two occupations, and the more honourable one of carting the goods brought to the port by foreign vessels. For this purpose they nearly all possess very fine oxen, to purchase some of which was now my chief object.

We remained in this village several days, and found the Alcalde very polite and of considerable service to us. We succeeded in purchasing eleven yoke of oxen, at an average price of thirty-two dollars per yoke, and had a great deal of annoyance from the people driving the cattle out of the yard I had hired from them. Of course, as the animals were bought of various persons, they immediately distributed themselves all over the country, putting me to a great deal of expense and trouble to find them again. This trick was played me twice, although I took the additional precaution of hiring men to keep watch.

On Christmas-eve a grand ball was given by the young men of the place, to which we were invited in due form, and of course "*assisted*." The house only consisted of one room, unfortunately without windows. There was a very large attendance of ladies, and we had an ample opportunity of seeing all the "beauty and fashion" of La Bahia. One rather singular custom exists, which is, that when a country-

dance, for instance, is called, the gentlemen do not at all concern themselves about partners, but those who wish to dance go and place themselves in their proper places, and when the ladies rise and each one ranges herself in front of the gentleman with whom she chooses to dance. The heat being very oppressive, and no refreshment of any kind, we quickly retired.

Dec. 30th.—We took our departure from La Bahia, having hired two men to drive the cattle, and proceeded about twenty-eight miles to the Mission del Refugio. This is one of the remains of the very numerous missionary establishments founded by the Spaniards for the civilisation and conversion of the Indians. Like all the rest, it is prettily situated, and like them also, it has gone to ruin. The constant disturbances in this country, since the independence of Mexico, have prevented the government from taking the necessary precautions, or giving the necessary assistance to these establishments. The consequence has been that the savage tribes have, one after another "spoiled" the temples, and driven off the horses and cattle. The "Fathers" have died, or retired to Spain; and the Missions have now become desolate. The present one was dstroyed by the Comanches a few years since. There are at present five or six miserable huts, built and inhabited by as many Irish families, brought to this country by the Empresario Mr. Power, who could not properly locate them, in consequence of his disputes with respect to the boundaries of his lands. They obtained permission to remain where they are until Mr. Power could place them properly and give them their titles.

They have, in consequence, been about five years in this situation, and as they imagined their sojourn would be temporary, they made no improvements, not even cultivating a bit of garden-ground! And now, in the true spirit of their countrymen of the same class, they do nothing but idle about,

waiting for Mr. Powers to make his appearance with their "titles." They have, however, several cattle, pigs, and fowls, and candidly acknowledge that they might speedily become independent if they would but exert themselves. We passed the night here, and on the morrow, *December 31st*, proceeded to the camp. Having to cross the Laguna on our route, we still found so much water in it that we were obliged to strip ourselves and swim our horses across. This, which would have been a formidable undertaking on this day, either in England or the United States, here was merely an object of amusement. About five o'clock we arrived at "home;"—strange as this word would seem thus applied, certainly a slight feeling of that kind was produced when we entered our tents, and were warmly saluted by our comrades.—It being my turn to be on guard at midnight, I had the pleasure of ringing the bell at twelve o'clock, and congratulating the whole of the disturbed camp at the entry of a New Year.

At the close of the year, I cannot avoid returning sincere and humble thanks to Divine Providence for having protected us from all kinds of danger, and especially disease. Ever since we entered the Bay of Aransaso it has rained almost continually, with violent northers, so that the cold was intense; the water in the tents freezing nearly every night. The people I may say, almost literally, were completely wet through all the time; and yet, unaccustomed as they were to this kind of life, not a single case of illness occurred!

The year 1834 was ushered in by a "freezing norther," which detained Dr. Beales and his party at their encampment until the 3rd, when they made a progress of two miles from the beach. A farther detention having taken place on the 6th, the Empresario amused himself with grouse-shooting, and had excellent sport.

"The immense number of game on the prairie was astonishing, it appeared like a large preserve. We had in abundance, deer, geese, ducks, grouse, quail, curlews, rabbits, and a few hares."

On the 7th, the weather being "delightfully mild," they resumed their route—and on the 8th, after encountering much fatigue in getting the waggons through a flooded pass, they encamped on the west side of the Mission lake, pretty well protected by trees and bushes. On the 9th, they had much difficulty in extricating two of the waggons from the slough, the weather being again very cold. They "took leave of this troublesome lake, not without some admiration at the want of energy in the Mexicans, who are constantly exposed to this annoyance, when they might, by a week's work and a few shillings' expense, throw a very good bridge over the stream which supplies the lake, and which is not more than thirty feet across. Indeed we should have ourselves adopted this method, but it would have detained us at least a week, as the timber necessary for the purpose was at some distance."

From the 10th to the 12th, the party were detained by the illness of Mr. Power, one of their leading members. This gentleman was so much relieved on the 12th, that they were enabled to proceed by placing his bed in a pleasure waggon. They reached the encampment at the Mission, where fresh meat, milk, and eggs were obtained for the people. The weather, which had been bitter cold, changed to "a beautiful spring temperature." After halting to bring up fractured waggons and stragglers, the Empresario resumed his march and ar-

rived at La Bahia with his party at 12 o'clock on the 16th.

"It being a very fine day, I persuaded the Mexican carters to assist us in passing the San Antonio river, although their contracts were merely to La Bahia. After about four hours' hard work, all the train was safely encamped on the opposite bank of the river. The water was much deeper than usual in the pass where we entered the waggons, and a few yards on either side too deep for the animals to ford. I had obtained an important advantage in encamping where I was at present, as the people were in some degree separated from the town; and although they could, and constantly did, ford the river during our whole stay, still a great deal was accomplished. Our old friend, the Collector of the Customs, behaved very handsomely, again refusing to examine anything, and assisted me materially in hiring carts, &c. Some of the foreigners in the town, the lowest class of the Americans, behaved exceedingly ill, endeavouring, by all the means in their power, to seduce away my families.—Finding they could not succeed, they changed their attack, by telling them the most dreadful stories of the Indians, and assuring them that we should most decidedly be killed and eaten. These representations were not without their effect, and forced me to be doubly wary, and even obliged me to relax a little in my discipline, lest any trifling thing should be made an excuse for open desertion.

Jan. 17th, 18th, and 19th.—Remained encamped in the same place, occupied in arrangements for proceeding on to Bexar, engaging carts in place of those who had here concluded their contracts, &c. We were unfortunate in the absence of D. Miguel Aldrete, who had undertaken to engage all the carts I might require. As he was absent on business, the owners wanted to raise the price, and threw fifty other obstacles in

the way; but by perseverance and firmness these were all overcome and everything promised well for the morrow.

The persuasions, &c., of the blackguards I before mentioned, had the effect of making one of our party stay behind. I have been joined, however, by John Quinn, my old *mayordomo*, and a Mexican family, consisting of a man, his wife, and four children. On the Sunday evening (the 19th) the Collector's lady stood godmother to a young Caranchuhua Indian, who was baptized. She gave a grand ball upon the occasion, to which we were invited. Although not very much inclined to undergo this second infliction, we could not decently refuse.

Jan. 20th.—After several vexations, we began our march about 2 o'clock P.M., with a train of eighteen carts and waggons. After proceeding about five miles we encamped, by the roadside, in the midst of a very beautiful country. The weather then again changed to severe cold.

Jan. 21st.—In consequence of the severe weather, it was almost impossible to induce the Mexicans to start; and when we did so we were speedily compelled to encamp again, which we did in a wood close by the side of the road.

Jan. 22nd and 23rd.—We could not move either of these days, owing to the inclemency of the weather; but early on the

24th we made a start, being obliged to leave two of the Mexican carts behind, which had lost their cattle. We proceeded in very good order, and encamped about thirteen miles from our starting-place, at a cluster of trees and some pools of water. The country we were now travelling through was very beautiful, and appeared fertile. The river St. Antonio ran a little way to the left of the road, with its banks thickly covered with fine timber.

Jan. 25th.—We were not able to move till about 10 o'clock, as several of the cattle had strayed to a great distance in

the night. The weather appeared inclined to clear up, although it still rained a little; the roads, however, were better. We travelled about fourteen miles, and encamped on the banks of a very pretty brook, with steep banks, called "El Cleto." We saw here a great many remains of an Indian encampment. We were met by a regular American backwoodsman, who had come thus far from Bexar to meet us, for the purpose of engaging himself as a hunter to the party. I engaged him, upon condition that, if I liked his conduct as far as Bexar, he was to go all the way with us.

Jan. 26th.—We commenced crossing the stream about nine o'clock, and got all over without accident. We travelled to-day about ten miles, and, as it was a fine afternoon, encamped on a little plain, where we had a delightful prospect. The country is getting rather more hilly as we proceed. Our hunter shot two deer to-day.

Jan. 27th.—Our usual luck with the weather attended us; the flattering appearances of last night passed away, and about three o'clock A.M. a most violent norther arose, accompanied by snow and rain. As we were on a plain we had no protection from the storm; in consequence, our tents were speedily wet through, and the cold was so intense that nearly all the people deserted the camp and ran into the woods, where they made large fires, and sheltered themselves as well as possible. It was with the greatest difficulty I could keep even enough to sit the regular watch. [Wind N. W. Rain and snow. Thermometer 26°.] The weather increased in severity towards night.

Jan. 28th.—As the weather somewhat moderated, we were enabled to commence our journey about mid-day. The roads had now become execrable, and the poor oxen were every moment lying down from fatigue. We to-day travelled only about five miles.

Jan. 29th.—We started at an early hour this morning, and met the post from Bexar, who informed us that we should find the roads in a dreadful state. The hunter every day killed one or two deer, and to-day he added a turkey to our bill of fare. We proceeded about eight miles, when we reached a place called Marcelino, where we encamped for the night. We were obliged to make these very short journeys, as half the cattle were knocked up; so that when we arrived at the stopping-place we were obliged to send back the good cattle to bring up the stragglers.

Jan. 30th.—We to-day only made six miles, and encamped at the Canada de Encinos; we were obliged to leave behind a waggon and a cart, as we had no oxen capable of going back for them.

Jan. 31st.—Made an early start, and at twelve o'clock arrived at the *Rancho** of Don Erasmo Seguin, distant six miles from our starting-place. We arrived here with about one-half of the cattle going loose, and several had been left behind on the road, and abandoned from their inability to proceed even alone.

The whole of this month has been extraordinarily inclement; and although the natives all agree that such a winter had not been experienced for thirty years, still it shows that no good farmer should neglect the providing of places of shelter and good winter fodder for his cattle. We have been constantly wet, notwithstanding which we have not suffered in our healths, with the exception of a few colds.

Feb. 1st and 2nd.—We encamped close by the side of a

* *Rancho*, and *Rancheria*, are used in Spanish America to signify a labourer's house, or a collection of peasant's huts, from one and upwards. Be the number great or small, if there be not a church, the aggregate is called a *Rancheria*. A church is necessary to constitute a *Pueblo* (town or village), some of which only contain the church and the curate's house.

small canal, made for irrigation. This, although a very inconvenient place, being without wood or pasture, was the best we could obtain.

The Rancho of Don Erasmo Seguin is admirably situated on a rising ground, about 200 paces from the river San Antonio, and well surrounded by woods. They have made a species of fortification as a precaution against the Indians. It consists of a square, palisadoed round, with the houses of the families residing there forming the sides of the square. They have also three pieces of brass cannon, but not yet mounted. This may be made a beautiful place, but it is as yet in its infancy, having been planted only two years. It consists of two *sitios* of very fertile land. They have begun to sow cotton, which thrives very well: I procured a small quantity as a specimen.

Feb. 3rd.—I hired five yoke of oxen from the *Rancho*, to assist us as far as Bexar. We started early, and passed through some fine woods. We were obliged, in some places, to make the road afresh, but generally we found it excellent, as the weather was delightful, and we appeared at length to have got into the climate of Mexico. We to-day passed a beautiful stream called *Las Calaberas*, which is really a most romantic spot, with high banks covered with magnificent timber. The carts all got over without trouble, so that we had no annoyances to interfere with our admiration of the scene; immediately after passing through the wood, on the western side, we encamped, having travelled about thirteen miles.

Feb. 4th.—We made an early start this morning, and proceeded to a brook called the "Salado," where we encamped, having made about 12 miles. We formed our camp with great precaution, as this place is famous for the murders com-

mitted by the "Tahuacanos," being one of their usual resting-places. The night passed without any alarm.

Feb. 5th.—I went forward to Bexar, with four men well armed, in order to obtain permission from the Alcade to encamp. The train started about ten o'clock, and arrived at Bexar about half-past twelve o'clock, and encamped at the entrance of the lake.

Feb. 6th.—We discharged the carts and waggons, and in the afternoon were visited by nearly all the women in Bexar, so that the camp had the appearance of a fair.

The approach to Bexar is very pretty, as you have the vale of the river with the town of Bexar on the opposite or western bank. Behind, the land rises, so as to form an agreeable background, while two churches of some ruined Mission, a short distance from each other, contribute to give a civilised and interesting appearance to the prospect. Bexar itself is a small town, now containing about 2,500 souls. It is most advantageously situated, the land around it exceedingly fertile, with canals already made for the purpose of irrigation. The river San Antonio is a beautiful stream, and would work machinery to almost any extent; yet all these natural advantages are neglected, and Bexar is one of the poorest, most miserable places in this country. The Indians steal all their horses, rob their *Ranchos,* and, nearly every week, murder some one or two of the inhabitants. From want of union and energy, they tamely submit to this scourge, which all admit is inflicted by a few Tahuacanos.

A German man and woman of our expedition were here married. They had arranged everything with the priest before speaking to myself, otherwise I should have had it delayed till we arrived upon our own territory.

Feb. 16th and 17th.—Anxious but unable to proceed, for want of sufficient means of transport.

Feb. 18th.—We, to our great satisfaction, bade farewell to Bexar about one P.M., with fifteen carts and waggons. After travelling about eight miles, we encamped on a small brook called E Leon.

Feb. 19th.—We started about eight o'clock, and passed through a very fine country, consisting of a black loam, with an abundance of flint pebbles; it is much more hilly, affording beautiful prospects, but it appears to be rather deficient in water. At five o'clock we encamped on the right bank of the Medina, a very beautiful stream, which empties itself into the San Antonio. We this day marched about fifteen miles.

Feb. 20th.—Began our march about eight o'clock, and at mid-day got to the Charcon, a very fine pool of water, where I had all the cattle taken out. After about an hour's rest, we again started, and proceeded to Francisco Perez, where we only found one small hole, with muddy water, barely enough for the people. To-day we travelled about eighteen miles, through a very hilly country, covered with scrubby trees and small brush.

Feb. 21st.—We commenced our march this morning very early, as we were anxious to reach water for our cattle. About two o'clock we arrived at Arroyo Hondo, which was entirely dry. We proceeded on to the Tahuacano, about fifteen miles from our starting-place; but, to our great dismay, found no water. All this day we had been without water, either for the people or the cattle; we were therefore obliged to proceed about eight miles further, when, about nine o'clock in the evening, we came to a small pool at a place called Tierras Blancas. This water was so dreadfully bad that I could not touch it; however, such as it was, it was a great relief; as, although the Rio Frio was only distant about seven miles, the cattle could not have reached it.

Feb. 22nd.—We started about nine o'clock, and passed the

Rio Frio at one o'clock without much difficulty. We encamped on the right bank, in a very good situation, except that there was but little pasture. In the evening nearly all hands turned out to shoot wild turkeys, and were fortunate enough to bring in twenty-three very fine ones. There was an immense quantity of fish in the river. We attempted to haul the seine, but, from there being a great quantity of stones and logs, we met with no success. Several of the people caught some with lines and hooks.

Feb. 23rd.—We remained to-day on the Rio Frio, in order to rest our cattle; while at breakfast two Shawnee Indians arrived at the camp. They had been hunting on the Rio Grande, and were now returning to Natchitoches with beaver-skins. I bought three beaver-traps of them. In the evening, fourteen turkeys were obtained.

Feb. 24th.—About two A.M. a most violent squall of wind, accompanied by thunder, hail, and rain, came on suddenly. Our tent was carried away, and in a moment, we were completely deluged. The ground on which we were encamped, being level, was immediately flooded, and all the fires, extinguished; the consequence was a scene of confusion such as we had seldom witnessed. Fortunately the storm passed away in a few minutes, and we then gradually began to get on dry clothes, light our fires, &c. This was a very cold windy day, but, being dry, we determined to remain in our encampment to air our tents, &c.

Feb. 25th.—There being no water, we were obliged to go as far as La Leona. It is incorrect to say there is no water, as about two leagues from Rio Frio there is a small brook, where water can generally be found, distant 18 miles from our starting-place. We arrived just at dark, and had a great deal of difficulty in crossing. There is a bridge of branches over the stream, and Mr. Egerton (the surveyor) and myself

went forward to repair it; notwithstanding which we upset two carts into the water, owing to the darkness and carelessness of the drivers. We at length kindled large fires on each side of the bridge, and tied ropes to the horns of the leading cattle, by which precautions all the remainder were passed over without accident. This stream is small, but very beautiful, well timbered, and surrounded by rich fertile lands. The water is permanent; it empties itself into the Nueces.

Feb. 26th.—We started at nine o'clock, and proceeded through a fertile country which only wants inhabitants. We fell upon a trail of some nine or ten Indians, apparently about two or three days old. Soon after we met the Mexican post from Rio Grande; they saw some of us at a distance, and, taking us to be Indians, galloped off into the woods, and it was some little time before they rectified their mistake. We proceeded to Buena Vista, a distance of about 10 miles from La Leona, and there encamped.

Feb. 27th.—Started about nine o'clock, sent on a party to the Nueces to repair the bridge, hoping to be able to cross before night, but owing to the long journey, and one of the Mexican carts breaking its axle-tree, we did not arrive on the bank until dark. We accordingly encamped, after travelling about 20 miles. There is a stopping-place, called the Tortugas, about three leagues before you reach the river.

Feb. 28th.—We crossed the Nueces without accident, as we took a great deal of trouble. The banks are very steep, and still remained so in spite of all that had been done by the party yesterday. I, therefore, thought it necessary to take out the oxen, lower the carts by ropes on the bridge, drag them across, and then draw them up the opposite bank by the oxen.

As we this day entered into the Rio Grande Grant, the gen-

tlemen and people made me pass the last; they then placed me in a light cart, and all hands drew me over the bridge, with the English and Mexican flags flying, and all the people cheering most enthusiastically. We afterwards cut out a tablet on the side of a large tree, and Mr. Little with a knife carved the following words:—"*Los Primeros Colonos de la Villa de Dolores pasaron el 28 de Febrero, 1834.*"

We proceeded about a league through very rich land to "La Espantosa," which is a pool of water about fifty yards wide and four or five miles long: it is full of fish, but from the quantity of bushes and dead wood, we could do nothing with the seine.

March 1st.—We started about nine o'clock, and proceeded through a most dreary sandy waste, where the wheels sank in as far as the axles, to a place called La Pina, a fine pool of water, which filters through a large bed of stone; it is full of perch, and we managed to take a few, although the net was not deep enough to reach the bottom. We travelled this day about 12 miles. We were here no less than four different travelling parties.

March 2nd.—Mr. Egerton started early this morning, with one servant, for the Presidio del Rio Grande, in order to bring carts; it being my wish to leave the road and go to the Moras at once, without going across the river. We were unable to proceed to-day, as some of the Mexicans had lost their cattle.

March 3rd.—At midnight Mr. Egerton returned with the news that the water in the Rio Grande was very low, and that he had discovered a good road on the opposite side of the river to a pass opposite our lands; I therefore thought it better to proceed by that route. We accordingly started about nine o'clock. In the beginning we had to pass through the same kind of sandy tract we had experienced the day before yesterday; but, after travelling about a league we entered on a very

fine plain, with very rich lands covered with excellent pasture; but unfortunately completely naked of timber, and very deficient in water. We proceeded about six leagues to a place called San Ambrosio, but found the bed about a league farther, where there are several pools of muddy water.

March 4th.—Started about nine o'clock. Mr. Egerton went forward to the Presidio del Rio Grande, to purchase some small stores. The train, after advancing through the same kind of country as yesterday for about ten miles, arrived at one o'clock on the banks of the Rio Grande, which is here a fine stream about three hundred yards wide. The people were all delighted at the appearance of the river, no one supposing it to be so large. We sent across to ascertain its depth, and found it to be about three feet the whole distance. We encamped on the left bank, and spent the afternoon in preparing the loads for the passage in such a manner as not to wet the articles.

March 5th.—After repairing the banks, we passed the river without much trouble, and encamped upon the south bank.

March 6th.—We proceeded as far as the Mission of San Bernardo, about five miles from the river, and close to the Presidio of Rio Grande. This last is a small village with about seven hundred inhabitants. There are some large houses in it, and several gardens. The people were very civil to us: altogether, I liked it much better than either Bexar or La Bahia. I here bought two cows, with their calves; besides some animals to kill.—In the afternoon we, as usual, were visited by nearly all the inhabitants of the place.

March 7th.—We began after breakfast to make preparations for starting, but the cattle had strayed a great distance, and we were consequently obliged to remain during the day.

March 8th.—We started very late from the Presidio, being obliged to leave our yoke of oxen behind, they having

strayed away. We continued travelling till eight o'clock, when we arrived at a brook called San Domingo. We made to-day about twenty miles. I bought in the Presidio two cows and calves, and two fat heifers.

March 9th.—Started at half-past eight. About seven miles from the starting-place, we came to a very fine pool of water called San Nicholas. We saw a great number of wild horses. After travelling about fifteen miles, we encamped on the Rio Escondido, a very pretty stream of beautiful water, with high banks: there is also very excellent pasture here. We were obliged to make the road for about three hundred yards down the side of a steep hill, and through very thick underwood and bush.

March 10th.—Mr. Egerton started this morning for San Fernando. We proceeded up the same bank of the river to look for a pass, as the water was too deep and the banks too high for us to advance on the road. After proceeding about a league, we came to the pass which had been discovered by the guide. It turned out to be a very good one; but, in passing down to the "bottom," we unfortunately upset one of our carts. We crossed the stream without farther accident, and on the opposite bank we found five Shawnee Indians encamped, hunting beaver. One or two of them spoke English perfectly. They had caught about forty beavers, and expressed their intention of following us to the lands and spending some time there in hunting. About a mile farther on, we entered on a very fine low plain, with very rich land, forming a kind of extensive bottom to the Rio Grande. After proceeding some distance across this plain, the cattle began to give up, and we were obliged to encamp about three o'clock, although we had no water. We travelled to-day ten miles.

March 11th.—I started very early to discover a good pass across the river. We proceeded for some distance to what is

called the Paso de la Navaja, but found that it would be impossible to cross here without working for several days; I accordingly returned to the train, and sent Mr. Paulson and the guide farther up the river. They met us about mid-day, with the information that we could cross at an upper pass. We proceeded, and there encamped on the edge of the descent into the bottom; having travelled about ten miles. Soon after our encamping we were joined by our Shawnee friends:—the hunter killed a very fine she bear, and brought three young cubs to the train.

March 12th.—All hands went to work with great industry, making the road to the pass; a very arduous task, as we had about half a league to go before we arrived at the water, over very uneven ground, and through thick willow swamps. We had likewise to pass, for about a quarter of a mile, obliquely across the river, in order to take advantage of the shallow places; but still the water in some parts three feet and a half deep. After a very hard day's work, I had the pleasure of once more encamping on "*our*" side of the river. Mr. Egerton about sunset arrived from San Fernando. The Shawnees once more encamped along-side of us; we were also joined by an American hunter, with his wife and children. The Mexican carts all quitted us here, leaving us entirely to our own resources.

March 13th.—We remained in our encampment all to-day, arranging what things we could take with us, being obliged to leave the greater part of them behind, under a guard of men. I agreed with the Shawnees that they should hunt for me for some time, and they started to try their fortune on the Moras river; I likewise engaged the American who joined us last night as a hunter.

March 14th.—We started very early, with all the party excepting Mr. Addicks and two Mexicans, who remained

behind to take care of the things. We passed across some most beautiful plains of rich black loam, but entirely destitute of timber, and with no water for irrigation. The plains are bounded by low limestone hills: on the top of one we discovered a small spring; in fact I have no doubt that water might be obtained in any part of the plains, by digging a few feet. After travelling about fifteen miles, we halted at "El Saucillo," a deep brook, the banks of a most curious formation.

March 15th.—Started about nine o'clock: myself and the rest of the gentlemen left the train and rode forward to look at the proposed site of the new town. It gave us satisfaction, and we returned down the stream, where we found the train encamped, after having travelled about four miles.

March 16th.—The train started about nine o'clock for Las Moras; but self and some of the gentlemen went down the stream, for the purpose of ascertaining whether there were an eligible spot for the town nearer to the Rio Grande. In this we were disappointed, as the stream gradually sank deeper between its banks, and according to the reports of our Mexican guides, it occasionally dried up in very hot seasons. Although we failed in our primary object, we had the satisfaction of discovering a most splendid fall of about fifteen feet. The stream divides itself into two nearly equal branches, which embrace a small island, and then fall over a strong bed into the same basin; forming one of the finest natural mill sites that can be conceived. This being St. Patrick's eve, we christened this spot "*San Patricio.*" We continued travelling for about ten miles, when, to our great joy, we encamped on the side of the future "Villa de Dolores," and had just time to get our tents rigged before a most violent storm of thunder, lightning, and rain came on.

The stream of Las Moras is a very pretty one, about three yards across, and averages, at the present time, about two feet

and a half in depth; the water is beautifully clear, and runs on a level with the surface of the "bottoms." It has several very pretty groves of timber, consisting principally of live and white oak, and elm. The "bottoms" below the villa, for some miles, are very broad, and exceedingly rich; in some places, where the beavers have made dams, the water has spread over several acres in width, offering excellent rice grounds.

The site of the Villa de Dolores, our new town, is upon the left bank of the stream, in a small grove of live oak and thick underwood; it rises gradually from the stream, leaving a small "bottom" of beautiful land for gardens. On the opposite side of the stream is a small grove containing some pretty sticks of timber. The selection of this spot does great credit to the taste and judgment of Mr. Egerton, who chose it in his former expedition.

March 17th.—The Mexicans are employed in riding round us in circles, that we may have timely notice of the approach of any enemy, though this does not appear very probable, as we have clear proofs that none have been here since Mr. Egerton's visit, his marks not having been disturbed. Besides this, we found the cover of a bed upon the spot where he lost it! All hands are diligently employed in clearing a square space of ground in the centre of the grove, for a fortification and temporary residence, until houses can be built.

By the afternoon, we had a square of about fifty yards on each side, sufficiently clear for our camp: we removed into it, having a fence of loose brush all round us, with only one entrance for the carts and waggons. On one side we dug a well, and found beautiful water at four feet.

March 18th.—The people employed in clearing away round our "fort" have also begun to build themselves little huts: all

were exceedingly well satisfied with the location. I have set the carpenters to work to build me a temporary store-house.

March 19th.—Mr. Egerton busily occupied in striking out the lines for the streets; the people still engaged in clearing away round the "fort." The Shawnees, who are encamped a short distance from us, brought in four turkeys and a deer. Self engaged in drawing plans for my house and garden. (Thermometer 80 °; cool, refreshing breezes.)

March 20th.—(8 A.M., 65°). The equinoctial gale blowing fresh from the N. E. gave us a painful sensation of cold, although the positive difference of temperature by the thermometer was not nearly so great as our feelings would lead us to believe.—Wind fresh from N. E.

Clear day; noon. The people employed as yesterday. This is my thirtieth birth-day. We had intended to have celebrated it, and at the same time to have laid the foundation-stone of the church, but we delayed on account of the absence of some of the party.

In the evening, Fortunato Soto returned from Monclova, with his appointment to the office of Commissioner to the Colony. He also brought an official letter from the Governor to myself, assuring me of the interest felt by the government in our colony; and promised that he would apply to the Federal Government for a detachment of troops. To our great dismay, Fortunato had not been able to cash any of my drafts on New Orleans, and as we had previously ascertained that no money could be obtained in Bexar, we found ourselves reduced to the absolute necessity of sending to Matamoras, as the colony had not pecuniary means sufficient to obtain the necessary supplies. After long and serious consideration, it was unanimously determined that no one could

ensure the requisite funds but myself; thus obliging me to quit the colony before hardly anything could be regulated!

March 21st.—The people employed some in clearing, and others in building themselves huts; self occupied in arranging different affairs preparatory to my departure.

March 22nd.—Every person employed the same as yesterday.

March 23rd.—This morning, Messrs. Power, Paulson, Soto, and myself, with the Mexican guard, made an excursion to the head of the stream. We passed over most beautiful lands for about eight miles, when we arrived at the springs. These form large pools of very clear water, in the midst of a large grove of very fine timber, consisting principally of live and white oak, elm, pecan, and hickory. (Thermometer 99° in the tent.) This timber continues on both sides of the stream all the way down to the Villa. The springs are full of fish, and are crossed in various directions by beaver-dams. The magnolia and other beautiful shrubs were in full blossom; altogether forming one of the prettiest spots I have seen anywhere. After resting a short time in the shade, we proceeded on to a hill which rises from the middle of the plain, to the height of about six hundred feet. We mounted to the top of it, and beheld the country spread out before us like a map. We could distinctly see the hills which give origin to the Nueces and Rio Frio, to the E. N. E. of us; the Moras, our own stream, running nearly due south and west of us, the Piedras Pintas and Sequete. The hill is composed of a very compact dark granite, and a fine species of soft limestone. It is situated about four miles from the head waters of Las Moras, and twelve from our Villa.

After making our observations, we returned to the Villa highly gratified with our excursion. We found two new Shawnees, who had brought us three deer and two turkeys.

March 24th.—People still employed in clearing, self in arranging affairs for my departure, and the rest of the gentlemen in laying out the streets, &c. (Thermometer 96°.) In the evening a chief of the Shawnees, with three of his tribe, arrived. The chief is a very fine man, about six feet and a half in height.

March 25th.—To-day was perhaps the most interesting we have passed since our leaving New York.

Immediately after breakfast, every thing being previously prepared, we marched in procession to the site of the church. The Commissioner and myself, with the Mexican flag, leading the way; next to us were two master masons, one carrying a stone and the other a portion of mortar. On arriving at the place, we found that a small part of the foundation of the church had been dug; one of the masons prepared the bed, and I then laid the first stone of the Villa de Dolores: a bumper of wine all round was then tossed off to the prosperity of the new town, amidst cheers and repeated firing of guns. We now proceeded to swear allegiance to the Mexican Republic, which was done first by myself, and then by all the rest of the colonists. We next proceeded to the election of magistrates, when the following officers were declared duly elected;—

Alcalde . . .	J. C. Beales.
1st Regidor . . .	W. H. Egerton.
2nd ditto . . .	V. Pepin.
Syndico . . .	E. Ludecus.

These names were received by cheering, &c.; a bumper of rum was drunk to my health, this being the celebration of my birth-day. We now sat down to dinner, which I commemorate, as we dined off turkey and *"Pate de foies gras aux truffles,"* from Paris, while our wines were Madeira and Champagne! After dinner, the Chief and other Shawnees

came to the tent, and danced, and sang their war-song.—I should have stated that the day began by a religious ceremony, which, to say the least of it, was equally interesting with the remainder. One of the families named Page had a little girl aged six months, which they wished me to christen, as there was no clergyman near the place. I accordingly did so; my little daughter, Anita, being its godmother, and through Mr. Egerton, bestowing her name upon it. The day was beautifully fine, and everything passed off with the greatest order and good humour.

March 26th.—Everybody employed in laying out the streets and clearing them—the day exceedingly hot. (Thermometer 90°.)

March 27th.—The Shawnees left us; the chief having given me the name of his "friend," while I gave him a pipe. All hands employed as yesterday.

March 28th.—Got a plough to work, and a blacksmith's shop employed repairing another plough; most of the people writing letters; self very busy in placing all my goods in my new storehouse, which is completed, with the exception of the roof.—Thermometer 100.

March 29th.—This morning most of the people idle, or writing letters; self concluding my affairs, and taking a farewell stroll "*about the town.*" About one o'clock, every thing being ready, I had the pleasure of seeing the first stone of my house laid. After dinner, the animals were brought out, and a farewell address was made to me, and I left the "Villa" accompanied by Messrs. Egerton, Paulson and Addicks. We went as far as the "Sauz," where we passed the night. Although I had been so short a time in the place, it was like leaving home, and would have caused me real regret, had it not been that I was returning to my family.

March 30th.—Mr. Egerton returned to the Villa, and the

rest of us continued our journey; but we soon turned off from the road, as I understood there were some veins of coal among the hills. We passed over some beautiful land, and saw several large pools of fine water. After a long search, we were fortunate enough to meet with the coal; I took several specimens of it, and then made for the river, which we found with much less difficulty than when we last saw it. We crossed at the Paso de las Adjuntas del Rio Escondido, and I took leave of my lands for this trip.

The settlement at Dolores did not prosper, owing to a variety of causes; of which the principal apparently was the absence of proper qualifications in the colonists themselves. Mr. Power, who accompanied the Empresario, disapproved of the site of Dolores, on the various grounds that the stream Las Moras was insignificant; the settlement too remote from the nearest town, San Fernando, which was seventy miles distant; and the soil, though of the best quality, not productive without irrigation, which was troublesome and expensive. Mr. Power preferred the lands on the Rio Grande; the flats being a deep rich loam, containing sufficient moisture to produce any crop without irrigation, and the highest bank of the river (there being three) afforded the very finest pasture. The settlers, unacquainted with the agriculture of the country, were disappointed in their first crop, which failed for want of irrigation. They became discontented with their location, and, with the exception of eight persons, determined to leave it on the 17th of June. They withdrew accordingly, and Mr. Power and the remainder removed, for safety, to San Fernando, to await the arrival of another expedition. Political occurrences in succeeding years interrupted

colonization in the district of the Rio Grande; and although Dolores obtained a place on the map, it had no pretensions to the name of a successful settlement—supplying farther evidence of the superiority of the Anglo-Americans in forming colonies. The North Americans are the only people who, in defiance of all obstacles, have struck the roots of civilization deep into the soil of Texas. Even as I trace these lines, I reflect upon their progress with renewed wonder and admiration. They are, indeed, the organised conquerors of the wild, uniting in themselves the threefold attributes of husbandmen, lawgivers, and soldiers.

From this episode in Texan history, I turn, to resume the narrative of general events during the year 1834.

CHAPTER VIII.

Continued Imprisonment and Representations of Stephen Austin—Violent Dissolution of the Federal Congress by Santa Anna—Effect of Military Usurpation on the Mexican States—Dissensions in Coahuila and Texas—Dissolution of the State Government—Measures of the Citizens—Differences among the Colonists,—Unionists, and Separatists—Restoration of the State Government—Statistical Report of Texas, by the Federal Commissioner Almonte.

AUSTIN was detained in the old prison of the Inquisition in the city of Mexico, from the 13th of February, to the 12th of June, 1834: after the first three months, the rigour of his confinement had been abated. His case was referred to the military tribunal, which declared itself incompetent to deal with it. He was then removed to the prison of the Acordada, and his case submitted to a civil functionary, in whose hands it remained until the 12th of August, when this authority also disclaimed the power of jurisdiction. The Federal District judge having dismissed it summarily on the same ground, it was brought under the cognisance of the Supreme Court of the Mexican United States, to ascertain from that tribunal what court was competent to proceed to trial. Writing from his prison on the 25th of August, 1834, Mr. Austin said—"I do not know as yet what court is to investigate my case. I have long since requested to be delivered to the authorities of the State of Coahuila and Texas, and I presume I shall be finally sent to the district court (Federal Judge) of that state. The President, Santa Anna, is friendly to

Texas and to me, (of this I have no doubt,) would have set me at liberty long since, and in fact, issued an order to that effect in June, had not some statements arrived about that time from the State Government of Coahuila and Texas against me, which I understood have contributed to keep me in prison so long. It is said the report of the State Government on the subject is founded solely on the statements of some influential persons who live in Texas. Who those persons are I know not. It is affirmed that they are North Americans by birth, and I am told that if I am not imprisoned for life, and totally ruined in property and reputation, it will not be for the want of exertion and industry on the part of some of my countrymen who live in Texas. Whether all this be true or not, I know I am unwilling to believe it. I am also told that no efforts were left untried, during the last winter and spring, to prejudice the members of the legislature and State Government against me at Monclova."*

The remainder of this long letter, which bespeaks a man anxious for liberation and apprehensive of foul play, is charged with complaints against "violent political fanatics" who were clamorous for the erection of Texas into a Federal State, and for "high-handed measures" with the General Government, and who abused the writer because he was "too mild, too passive, too lukewarm" on the subject, yet endeavoured to compass his destruction while he was in prison. "Stephen F. Austin's motto," he observes, "has been fidelity to Mexico and opposition to violent men and measures. That

* A decree of the State of Coahuila and Texas had removed the Sessions of the Legislature from Saltillo (Leona Vicario) to Monclova.

motto will continue to be the basis of his political faith, and the rule of his actions. He also owes duties to the simple-hearted citizens of his colony and to Texas, which he has never shrunk from executing, as far as he could. If proofs are needed to establish this fact, let them be sought in the last thirteen years, and they will be found. His present incarceration and persecution will also bear him witness. At one time, I am vilified for being too Mexican, too much the friend of Mexicans, too confiding in them, opposed to the separation of Texas from Coahuila, and in favour of keeping it for ever bound to the State of Coahuila and Texas. At another time, I am abused for yielding to the popular opinion, and for representing that opinion in good faith; and truly, firmly, fearlessly representing it, as it was my duty to do as an agent. I repeat it again and again, I cannot comprehend these matters. In my letter to the Ayuntamiento of Austin, from Monterey, dated 17th January last, and in all my letters written since my return to this city, I have earnestly requested the most prompt obedience and submission to the authorities of the State and the General Government, yea, that a public act of gratitude should be expressed by the people for those remedies that have been applied by the State and the General Government to the many evils that were threatening Texas with ruin."*

* I have been unable to ascertain any act of the General Government that could appear to Mr. Austin to merit Texan gratitude, except the repeal of the eleventh article of the decree of 6th April, 1830. In the Spring of 1834 the Legislature of Coahuila and Texas passed laws for the protection of the person and property of every settler, whatever might be his religion, for the establishment of separate Supreme and Circuit Courts,

Before the date of the preceding communication; another violent change had been affected in the Mexican Government. The Vice-President, Farias, in his attempts to circumscribe the mischievous powers of the priesthood and the military, evinced more zeal than discretion. No one was executed by his command, but many were banished and imprisoned. The priests wrought upon the fears of a superstitious population and produced a reaction dangerous to the existence of the Federal system. Santa Anna, at the head of the military chiefs who had under their control from fifteen to twenty thousand mercenary soldiers, deemed the occasion favourable for a revolutionary movement. Deserting the Federal Republican party and system, of which he had heretofore been the champion and the advocate, he espoused the cause, and assumed the direction of his former antagonists of the Centralist faction. With his co-operation that faction triumphed. The Constitutional General Congress of 1834 was dissolved on the 13th of May, by a military order of the President. The Council of Government, composed of half the Senate, which, agreeably to the Constitution, ought to have been installed the day of closing the session of Congress, was also dissolved, and a new revolutionary and unconstitutional Congress was convened by another military order. Until it should assemble, Santa Anna retained in his own hands the substantial authority of Government, which he covertly used to destroy the Constitution he had sworn to defend.

with trial by jury, and the permissive use of the English language in Texas. But in these enactments the State exceeded its constitutional powers, and afforded the Centralists a pretext for subverging the Federal Constitution.

According to the strength and violence of parties, the several States of the Federation were more or less agitated by these arbitrary proceedings at the seat of Supreme Government. The collision between the President and the General Congress divided the legislature of Coahuila and Texas into two parties. One of these, at Monclova, issued a proclamation (*pronunciamento*) denouncing Santa Anna and his unconstitutional acts, and sustaining Vidaurri as governor of the State; the other, at Saltillo, declared for Santa Anna, issued a *pronunciamento* against the Congress, annulled the decrees of the State Legislature from its election in 1833, invoked the protection of the troops, and elected a military governor, the majority of votes in the election being given by officers of the army. Occupied in mutual denunciations, the two factions, both of which were destitute of popular strength, arrested the progress of public business, until the time constitutionally designated for the election of the Governor and other State officers had expired, leaving the people of Coahuila and Texas to the perils of a disgraceful anarchy. The ascendancy of Santa Anna in the capital and the interference of his armed instruments in the State, had virtually dissolved the social compact, and placed every man under the necessity of devising means for preserving his own and the general rights.

To provide a remedy for this miserable condition of affairs, a large body of Coahuilan citizens assembled with the inhabitants of Bexar at San Antonio, on the 13th of October, and resolved, on the motion of Don Erasmo Seguin, the chief of the Department, that a State Convention should be held at Bexar on the 15th

of November, to organise a Provisional Government, in order to save the country from "unparalleled anarchy and confusion." A copy of the resolutions was transmitted to the other Departments of the State: the project was approved by the deputies at Monclova, but it was not carried into operation from the want of concert among the mass of the people. Many of the Anglo-Americans who had been previously hostile or neutral upon the question, now began to yield to the conviction that the welfare of Texas indispensably required immediate separation from Coahuila. Austin was still in prison, having failed in the great object of his mission; the evils for which redress had been conceded by the general government were of minor importance, while for the anarchy which afflicted the province no relief could be anticipated from the supreme authority, which was itself a military usurpation and the secret cause of the distraction that prevailed.

In his letter of August 25th, Stephen Austin had warned the colonists against interfering in "the political family quarrels" of the Republic, they "having every thing to lose and nothing to gain." He called upon the settlers to obey Santa Anna, who professed to be friendly to Texas and himself, and cautioned the farmers against "inflammatory politicians," he having begun to lose confidence in all persons except those who sought their living between "the handles of the plough." But the advocates of separation from Coahuila were sensible that Austin was no longer in a situation to express untrammelled opinions, and they could not fail to remember that he had volunteered very different counsels at a time when the state of the country could

have been far less powerfully pleaded in justification of extreme measures. A majority of the settlers, however, fearful of the consequences of civil broils, submitted to the advice of their imprisoned representative, and united with those inhabitants of Coahuila who were favourable to the reconstruction of the State Government. Two parties thus sprang up among the Anglo-Americans, one for proclaiming Texas an independent member of the Mexican Federation, at every hazard, the other for maintaining the connexion with Coahuila, according to the regulations of the Federal Constitution. By that Constitution, all loyal citizens, whether native or naturalised, held themselves bound to abide, according to their oaths.

On the 20th of October, 1834, the Separatists, led by the Political Chief of the Brazos, issued an address to the people of Texas, recommending them to organise, to save themselves from the anarchy which prevailed in the General and State Governments, by declaring perpetual the dissolution of the political connexion between Coahuila and Texas, caused by the "wilful and unlawful" proceedings of the former. "Coahuila will, in this case, be left without a plea or excuse; having wilfully committed an act of treachery, by plighting her faith and forfeiting all her guarantees. She can never be allowed to take advantage of her own wrong. Let Texas then immediately close in with her, on her own terms; suffering her quietly to enjoy all the rights, privileges, and benefits which she can derive from the reign of anarchy or military despotism."

An answer to this appeal was published in November, by the Grand Central Committee appointed by the Con-

vention of Texas to provide against emergencies. The Committee stated their anxiety to obtain a restoration of the State Government by constitutional means, and expressed their determination to have recourse to no other description of measures; they condemned the plan of organization proposed by their Political Chief, as revolutionary, and the forerunner of civil war; they described the dispositions of the President and Federal Government as favourable to Texas—in proof of which they referred to the repeal of the most obnoxious part of the law of the 6th of April, 1830; they considered it the duty of Stephen Austin's constituents to abstain from inviting "fresh difficulties in the way of his liberty, and perhaps his life," his health being much impaired, and a speedy release absolutely necessary; they deemed it unwise to "scatter the seeds of discord and confusion" when the country was prospering and the mass of the inhabitants contented and happy, and they intimated that the difficulties between Saltillo and Monclova were in process of adjustment, and that the State Government would "soon be restored to its proper functions." After noticing some of the "inflammatory documents which had been cast as firebrands among the people," the Committee met the complaint against Mexican misrule with a plea which must have been as consolatory to the discontented settlers as the comforting of his friends to Job in his afflictions.

"Another complaint is made, and somewhat justly too, that the Constitution and laws are continually departed from; in consequence of which we are compelled to forego some of those benefits and advantages which the Government promised us. It would perhaps be as

well for us all to think of this, and speak about it as little as possible, as it might be that the too strict *surveillance* of the parent would restrict the playfulness of the children. But if the complaint is just, and the inspection would be right, as no honest man will deny—what then? *Is Mexico herself in any better situation?* Do we not see that faction after faction overturns the Constitution and laws almost daily, keeping up a chaos of dreadful confusion?

"When has Mexico been able to avail herself of the blessings of a great well-ordered Government? If it be not in her power to avail herself of these blessings in her very capital, how is it possible for her to extend them to any other part of the Government? Besides all this, we know that the business of self-government is new to them, they have so recently escaped from the iron hand of tyranny. ***** Texas is situated 1200 miles from the capital of Mexico, and owing to the distance and state of war in the country ever since we have known it as a Republic, communications could be no other than tedious and uncertain. In the event of our petitions reaching Mexico in the recess of Congress, they must necessarily wait until the Session, and wait to be acted upon in their turn, and might at last be neglected, owing to the immense mass of business of more vital importance to the nation occupying their whole time.

"All these, besides many more reasons which might be given, have been sufficient to cause so much delay as to injure Texas materially, without the possibility of remedy, be the intentions of the Government towards Texas ever so good. Self-preservation is the first law

of nature; and so thinks Texas, and therefore complains of the Government. So thinks the Government, and therefore neglects Texas. Where are these difficulties to end? They will end in Government getting through its troubles, wherein Texas must bear a part, or she will add to the calamities of the nation and ruin herself for ever."

The pleadings of the peace, or anti-separation party, discouraging as they were, succeeded in allaying the ferment produced by the addresses of the Political Chief of the Brazos and his coadjutors. An adjustment of differences was also effected between the Coahuilan factions at Saltillo and Monclova, under the arbitration of the President of the Republic, General Santa Anna. The State resumed the exercise of its suspended functions, and elected members of the legislature and other constitutional authorities—the entrance of the legislative body on the discharge of its duties being postponed from the 1st of January, 1835, to the 1st of March ensuing.

Amidst the disorder which prevailed in Mexico, in consequence of the alliance of the privileged classes against the Federal Constitution, the Supreme Executive instituted a proceeding which evinced its growing sense of the importance of Texas and its hostility to the Anglo-Americans. It has been previously mentioned that, by the decree of the 6th April, 1830, issued by the Vice-President Bustamente, the Government was authorised to appoint Commissioners to visit the colonies of the frontier States, and, in the words of the third article, "to contract with the Legislatures of said States for the purchase, by the nation, of lands suitable for the estab-

lishment of new colonies of Mexicans and foreigners; to enter into such arrangements as they may deem proper for the security of the Republic, with the colonies already established; to watch over the exact compliance of the contracts on the entrance of new colonists; and to investigate how far the contracts already made have been complied with." By the fourth, fifth, sixth, and seventh articles of the same decree, the Executive was empowered to take possession of such lands as might be suitable for military defences and new colonies, indemnifying the State by deducting the amount of their value from the debt due by it to the Federation; to remove convicts from Vera Cruz and other places to the new colonies, giving to each, at the end of his term of service, a grant of land, with necessary implements of husbandry, and means of subsistence for one year; and to convey, free of expense, Mexican families desirous to become colonists, with the like provision that was to be appropriated to discharged convicts. Texas alone could have been contemplated by these enactments, it being the only frontier State that had been selected for colonization.

In the spring of 1834, while Stephen Austin was expiating his contumacy in a Mexican prison, Colonel Juan Nepomuceno Almonte was commissioned by the Supreme Government to visit Texas, and report his observations to the Executive. Subsequent events warrant the conclusion that the Commissioner's instructions extended to inquiries for military as well as civil purposes. With the permission of the Government, he published, in January, 1835, his Statistical Notice of Texas, dedicated to General Barragan, which, according to the

Commissioner's introductory statement, formed only part of the information he had presented to the supreme authorities.

This publication, though indicating, by its flimsy texture, the indifference and ignorance of Mexico with regard to Texas, is important as a link in the chain of historical evidence. Colonel Almonte cannot be suspected of partiality to the Anglo-Texans; and as his Report illustrates their social progress during a period of ten years, beginning with the settlement of Stephen Austin's first colony in 1824, an abstract of its more important contents may be usefully incorporated in the general narrative.*

In his prefatory remarks, the author observes that he had not contemplated the publication of his researches in Texas, both from the reserve incumbent on an agent of the Government, and from the want of sufficient time to examine the great resources of that extensive and interesting country. In deference, however, to the desire for information evinced by many, he had, with the sanction of the Supreme Government, determined on publishing his Statistical Observations, which, although imperfect, might not perhaps be regarded with indifference, as they would afford some idea of what Texas is and what it was. "What it will be, it is not difficult to anticipate. If we consider the extraordinary and rapid advances that industry has made; its advantageous geographical position, its harbours, the easy navigation of its rivers, the variety of its productions, the fertility

* My copy of Almonte's work, which is about the size of an ordinary pamphlet, bears the following imprint: "*Mexico—Impreso Por Ignacio Cumplido, Calle de los Rebeldes,* n. 2. 1835."

of the soil, the climate, &c.,—the conclusion is, that Texas must soon be the most flourishing section of the Republic. There is no difficulty in explaining the reason of this prosperity. In Texas, with the exception of some disturbers, (*con ecepcion de algunos revoltosos*), they only think of growing the sugar-cane, cotton, maize, wheat, tobacco; the breeding of cattle, opening of roads, and rendering the rivers navigable. Moreover, the effects of our political commotions are not felt there, and often it is only by mere chance our dissensions are known. Situated as Texas is, some 450 leagues from the capital of the Federation, it is easy to conceive the rapidity of its progress in population and industry, for the reason that Texas is out of the reach of the civil wars that have unfortunately come upon us. The inhabitants of that country continue, without interruption, to devote themselves to industrious occupations, giving value to the lands with which they have been favoured by the munificence of the Government.

"If, then, the position of Texas is so advantageous, why should not the Mexicans participate in its benefits? Are not they the owners of those valuable lands (*preciosos terrenos*)? Are they not capable of encountering dangers with firmness and courage? Let small companies be formed; enter into contracts with agricultural labourers; appoint to each of the companies its overseer, agent, or colonial director; and I will be the surety that, in less than one or two years, by the concession of eleven league grants of land, which will not cost perhaps more than a trifle for the stamped paper on which the title is made out, the grants will be converted into a property worth more than from fifteen

to twenty thousand dollars. Let those who wish to test the worth of this assurance visit the plantations of the colonists, and they will perceive I am no dreamer."

The Commissioner, adverting to the objection of the remoteness of Texas as a field for Mexican colonization, remarks that it is not necessary to remove thither by land: from the city of Mexico to Vera Cruz it was but four days' journey, and the voyage from thence to Galveston or Brazoria might be made in six or eight days more. "If, as is possible," he proceeds to say, "I return to Texas as colonial director, I shall have great pleasure in affording to purchasers of land and Mexican Empresarios all the information in my power for the better colonization of the country. I do not hesitate particularly to assure retired officers and invalids, that the best way to provide for their families is to solicit permission of the Government to capitalise their pay, and go and colonise Texas. There they will find peace and industry, and obtain rest in their old age, which, in all probability, will not be found in the centre of the Republic."

The Report opens with a general notice of Texas, and then enters upon separate statistical details respecting the three Departments—Bexar, the Brazos and Nacogdoches. My object being to adduce the Commissioner's authority as Mexican evidence to fact, I shall refer to his testimony in the order of his own arrangement. The investigation commenced in the Spring, and terminated in the Autumn of 1834.

"The population of Texas," states the Report, "extends from Bexar to the Sabine River, and in that direction there are not more than 25 leagues of unoccu-

pied territory to occasion some inconvenience to the traveller. The most difficult part of the journey to Texas is the space between the Rio Grande and Bexar, which extends a little more than 50 leagues, by what is called the Upper Road, and above 65 leagues by the way of Loredo. These difficulties do not arise from the badness of the road itself, but from the absence of population, rendering it necessary to carry provisions, and even water during summer, when it is scarce in this district. This tract is so flat and rich in pasturage that it may be travelled with sufficient relays, and at a suitable speed, without the fear of wanting forage.

"In 1806 the department of Bexar contained two municipalities; San Antonio de Bexar, with a population of 5,000 souls, and Goliad, with 1,400; total 6,400. In 1834 there were four municipalities, with the following population respectively:—San Antonio de Bexar, 2,400; Goliad, 700; Victoria, 300; San Patricio, 600; total 4,000. Deducting 600 for the municipality of San Patricio (an Irish settlement), the Mexican population had declined from 6,400 to 3,400 between 1806 and 1834. This is the only district of Texas in which there are no negro labourers. Of the various colonies introduced into it, only two have prospered; one of Mexicans, on the river Guadalupe, by the road which leads from Goliad to San Felipe; the other of Irish, on the river Nueces, on the road from Matamoros to Goliad. With the exception of San Patricio, the entire district of Bexar is peopled by Mexicans. The greater part of the lands of Bexar can easily be irrigated, and there is no doubt that so soon as the Government, compassionating the lot (*suerte*) of Texas, shall send a respectable

force to chastise the savages, the Mexicans will gladly hasten to colonise those valuable lands which court their labour.

"Extensive undertakings cannot be entered on in Bexar, as there is no individual capital exceeding 10,000 dollars. All the provisions raised by the inhabitants are consumed in the district. The wild horse is common, so as rarely to be valued at more than 20 rials (about 10 shillings British) when caught. Cattle are cheap; a cow and a calf not being worth more than 10 dollars, and a young bull or heifer from 4 to 5 dollars. Sheep are scarce, not exceeding 5,000 head. The whole export trade is confined to from 8,000 to 10,000 skins of various kinds, and the imports to a few articles from New Orleans, which are exchanged in San Antonio for peltry or currency (*peleteria y metálico*).

"There is one school in the capital of the Department supported by the municipality, but apparently the funds are so reduced as to render the maintenance of even this useful establishment impossible. What is to be the fate of those unhappy Mexicans who dwell in the midst of savages without hope of civilization? Goliad, Victoria, and even San Patricio, are similarly situated, and it is not difficult to foresee the consequences of such a state of things. In the whole department there is but one curate (*cura*); the vicar died of cholera morbus in September last.

"The capital of the Department of the Brazos is San Felipe de Austin, and its principal towns are the said San Felipe, Brazoria, Matagorda, Gonzalez, Harrisburg, Mina, and Velasco. The district containing these towns is that which is generally called 'Austin's Colony.'

"The following are the municipalities and towns of the Department, with the population:—San Felipe, 2,500; Columbia, 2,100; Matagorda, 1,400; Gonzalez, 900; Mina, 1,100: total, 8,000. Towns: Brazoria, Harrisburg, Velasco, Bolivar. In the population are included about 1000 negroes, introduced under certain conditions guaranteed by the State Government (*introducidos bajo ciertas condiciones, garantizadas por el gobierno del estado*); and although it is true that a few African slaves have been imported into Texas, yet it has been done contrary to the opinion of the respectable settlers, who were unable to prevent it. It is to be hoped that this traffic has already been stopped; and it is desirable that a law of the General Congress and of the State should fix a *maximum* period for the introduction of negroes into Texas, as servants to the empresarios, which period ought not, in my opinion, to exceed 10 or 12 years, at the end of which time they should enjoy absolute liberty.

"The most prosperous colonies of this Department are those of Austin and Dewitt. Towards the northwest of San Felipe there is now a new colony under the direction of Robertson; the same that was formerly under the charge of Austin.

"In 1833, upwards of 2,000 bales of cotton, weighing from 400 to 500 lbs. each, were exported from the Brazos; and it is said that in 1832 not less than 5,000 bales were exported. The maize is all consumed in the country, though the annual crop exceeds 50,000 barrels. The cattle, of which there may be about 25,000 head in the district, are usually driven for sale to Natchitoches. The cotton is exported regularly from Brazoria

to New Orleans, where it pays 2½ per cent. duty, and realises from 10 to 10½ cents per lb. for the exporter, after paying cost of transport, &c. The price of cattle varies but little throughout Texas, and is the same in the Brazos as in Bexar. There are no sheep in this district; herds of swine are numerous, and may be reckoned at 50,000 head.

"The trade of the Department of the Brazos has reached 600,000 dollars. Taking the estimate for 1832 (the settlements having been ravaged by the cholera in 1833), the exports and imports are estimated thus: 5,000 bales of cotton, weighing 2,250,000 lbs., sold in New Orleans, and producing at 10 cents. per lb. 225,000 dollars net; 50,000 skins, at an average of 8 rials each, 50,000 dollars. Value of exports, 275,000 dollars (exclusive of the sale of live stock). The imports are estimated at 325,000 dollars.

"In this Department there is but one school, near Brazoria, erected by subscription, and containing from 30 to 40 pupils. The wealthier colonists prefer sending their children to the United States; and those who have not the advantages of fortune care little for the education of their sons, provided they can wield the axe and cut down a tree, or kill a deer with dexterity.

"The Department of Nacogdoches contains four municipalities and four towns. Nacogdoches municipality has a population of 3,500; that of San Augustine, 2,500; Liberty, 1,000; Johnsburg, 2,000; the town of Anahuac, 50; Bevil, 140; Teran, 10; Tanaha, 100: total population, 9,000, in which is included about 1,000 negroes, introduced under special arrangements (*convenios particulares*).

"Until now it appears that the New York Company are only beginning to interest themselves in settling their lands, bought or obtained by contract with Messrs. Zavala, Burnet, and Vehlein, empresarios, who first undertook the colonization of the immense tracts which they obtained of the State of Coahuila and Texas, and which are laid down in the maps of the North as lands of the 'Galveston Bay Company.' In consequence of that transaction, the Company are proprietors of nearly three-fourths of the Department of Nacogdoches, including the 20 leagues of boundary from that town to the Sabine. Of the contracts of Zavala, Burnet, and Vehlein, some expired last year, and others will expire during the present year. The Supreme Government, if at all anxious to do away with a system of jobbing so ruinous to the lands of the nation, at the hands of a few Mexicans and foreigners, ought, without loss of time, to adopt means to obviate the confusion daily arising out of contracts with the speculators, which create a feeling of disgust among the colonists, who are dissatisfied with the monopoly enjoyed by companies or contractors that have acquired the lands with the sole object of speculating in them.

"The settlements of this district have not prospered, because speculators have not fulfilled their contracts, and the scattered population is composed of individuals who have obtained one or more leagues of land from the State, and of others who, in virtue of the law of colonization inviting strangers, have established themselves wherever it appeared most convenient. But the latter have not even the titles to their properties, which it would be only fair to extend for them, in order to

relieve them from that cruel state of uncertainty in which some have been placed for several years, as to whether they appertain to the United States or to Mexico. And as these colonists have emigrated at their own expense, it seems just that the contractors on whose lands they have settled, and who were not instrumental to the introduction of their families, should not receive the premium allowed by law. In stipulating with those contractors (*empresarios*) both the General and State Government have hitherto acted with too much negligence, and it would be well that they should now seriously turn their attention to a matter so deeply important.

"There are three common schools in this department; one in Nacogdoches, very badly supported, another at San Augustine, and the third at Johnsburg. Texas wants a good establishment for public instruction, where the Spanish language may be taught; otherwise the language will be lost: even at present, English is almost the only language spoken in this section of the Republic.

"The trade of this Department amounts for the year to 470,000 dollars. The exports consist of cotton, skins of the deer, otter, beaver, &c., Indian corn, and cattle. There will be exported during this year about 2,000 bales of cotton, 90,000 skins, and 5,000 head of cattle, equal in value to 205,000 dollars. The imports are estimated at 265,000 dollars; the excess in the amount of imports is occasioned by the stock which remains on hand in the stores of the dealers.

"There are about 50,000 head of cattle in the whole Department, and prices are on a level with those in the

Brazos. There are no sheep, nor pasturage adapted to them. There are above 60,000 head of swine, which will soon form another article of export.

"There are machines for cleaning and pressing cotton in the Departments of Nacogdoches and the Brazos. There are also a number of saw-mills. A steam-boat is plying on the Brazos river, and the arrival of two more is expected; one for the Neches, the other for the Trinity.

"The amount of the whole trade of Texas for the year 1834 may be estimated at 1,400,000 dollars.

DEPARTMENTS.	IMPORTS.	EXPORTS.	TOTAL.
Bexar	40,000	20,000	60,000
Brazos	325,000	275,000	600,000
Nacogdoches	265,000	205,000	470,000
Approximate valuation of contraband trade with the interior through the ports of Brazoria, Matagorda, and Copano . .			270,000
Total			1,400,000

"Money is very scarce in Texas; not one in ten sales are made for cash. Purchases are made on credit, or by barter; which gives the country, in its trading relations, the appearance of a continued fair. Trade is daily increasing, owing to the large crops of cotton, and the internal consumption, caused by the constant influx of emigrants from the United States."*

The Commissioner, in a tabular return, estimates the

* In a new and fertile country, settled by industrious agriculturists, the high price of provisions is a symptom of prosperity, the consumption being occasioned by the increase of population. Apart from exports, the demand for Indian corn and other produce to meet the wants of immigrants, brings large returns to the farmers of Texas. The settler who pays high prices this year may be enabled to exact them the next.

whole population of Texas Proper at 36,300; of which 21,000 are civilised inhabitants, and 15,300 Indians. The number of hostile Indians is estimated at 10,800, and of friendly tribes 4,500; of the former, 9,900 are appropriated to the Department of Bexar, and the remaining 600 to the Brazos.* The Northern Indians in the Department of Nacogdoches are described "as generally attached to the Mexican Government." They had applied to the President of Mexico for a grant of land. "The statement accompanying the petition," says the Commissioner, "will show who are friends and who are in arms against us in Texas."

Beyond the foregoing facts, Colonel Almonte's Report supplies no information calculated to throw light on the social condition of Texas in 1834. The meagre character of the publication is admitted by the Commissioner himself, who, in apologising for an important omission, makes a revelation more curious than creditable, as regards the state of the arts in Mexico. "I had proposed," he says, "adding to this notice a map of Texas which is in my possession, that the reader might judge at a glance of the extent of its immense territory, but finding that impossible, *from the difficulty attending engraving or lithography in our country*, I shall content myself with recommending him to procure

* Although the Anglo-Texans had suffered grievously from cholera in 1833, their numerical strength is evidently underrated. The scattered settlements rendered it extremely difficult to number the colonists with accuracy, and it did not accord with the policy of the Mexican Government to represent them as formidable in any respect. They probably amounted to about 30,000, exclusive of the 2,000 negroes.

one of the maps published in New York, and usually found in the libraries of that capital."*

According to the *Gazette of Coahuila and Texas*, published at Monclova, Colonel Almonte had arrived in that city on the 24th of September, 1834, after executing the duties assigned him by the General Government. His next visit to a country of which he spoke in most eulogistic terms, was in a very different capacity.

Brief and superficial as is the Report of the Mexican Commissioner, it has afforded very seasonable aid at this stage of my narrative. It has described, in the cold phraseology of official inquiry, the change effected in ten years by the Northern Colonists, in the solitudes of a land neglected and abandoned by its rulers. The statistics of Almonte form the proudest testimonial to the labours of those fearless and persevering spirits who first rendered the golden glebe of Texas tributary to the enjoyments of civilised man, and supply a conclusive answer to the charges brought against the Texans by persons who, in the fervour of a philanthropic enthusiasm in behalf of the Indian and the Negro, are ready to sacrifice not only time and money, but the solemn obligations of truth and justice.

* *Noticia Estadistica Sobre Tejas*, p. 89.

CHAPTER IX.

Innovations of the Mexican Centralists—Unprincipled Sale of Texan Lands—Constitutional Exposition of the Legislature of Coahuila and Texas—Fall of Zacatecas—Dispersion of the Legislature of Coahuila and Texas, and Arrest of the Governor—Agitation in Texas—Lorenzo de Zavala—Return of Stephen Austin—His Speech at Brazoria—Military preparations against Texas and organization of the People—Defeat of the Mexicans near Gonzalez—Subversion of the Federal Constitution of 1824 and establishment of a Central Government in Mexico.

THE new Congress, convoked under the auspices of Santa Anna and the Centralists, assembled in the city of Mexico in the month of January, 1835. Petitions and declarations in favour of a Central Republic were poured in by the military and clergy, while protests and remonstrances on behalf of the Federal Constitution were presented by some of the State legislatures and the people. The latter were disregarded, and their supporters persecuted and imprisoned. Emboldened by party co-operation, the Congress assumed extraordinary powers and deposed the Vice-President, Gomez Farias, without impeachment or trial, electing in his stead General Barragan, a leading Centralist. Among the first acts of the Congress was a decree for reducing the militia of the several States to one for every five hundred souls, and disarming the remainder, which amounted to the annihilation of that constitutional force. Every successive step evinced a settled purpose to establish a Central Republic on the ruins of the Federal System, that "division of the supreme powers of the

Federation, and of the States," which, according to the provisions of the Constitutional compact in 1824, could "never be reformed."

The legislature of the State of Coahuila and Texas assembled in session at Monclova on the 1st of March, and Augustin Viesca, who had been elected governor, entered upon the duties of his office. Among the grievances which were considered by the Texans as an equitable ground of separation from Coahuila, was the prodigal disposal of the valuable waste lands, which lay almost exclusively within the limits of Texas. The waste lands of a new republican state constitute its capital, and it was calculated that those appertaining to Texas would, under proper administration, sustain the expenditure of a State government for the first ten years. An immense extent of the domain of Texas had been granted in 1834 to John T. Mason of New York, by an act of the Legislature of Coahuila and Texas, and on the 14th March, 1835, they followed up the same wasteful and iniquitous policy, by selling 411 leagues of choice land at private sale, and for the inadequate sum of 30,000 dollars. Tracts of eleven leagues had also been sold, at a nominal price, from time to time, to citizens of Coahuila, to be by them resold at a profit; thus improving their condition at the expense of Texas. Anticipating the period of separation, the Coahuilan members of the State Legislature, availed themselves of their majority, and proceeded without shame or scruple, in squandering the resources of their constitutional associates. Among the speculators who appeared as purchasers at Monclova, were some Texans, whose participation in the odious job has, in places where the

facts were unknown, brought discredit on the general body of their fellow-citizens. These persons justified their conduct on the plea that, if Texan settlers had not bought the land, it would have been transferred to strangers. The transaction, however, which had been accomplished by sinister influence, excited the deepest dissatisfaction among the industrious colonists who protested against it as "a violation of good faith and the most sacred guarantees," denounced it as a "death-blow" to their rising country, and stigmatised it as "an act of corruption in all parties concerned."

The Federal Decree of 6th April, 1830, contemplated the purchase of the frontier lands from the States to which they belonged, by the Supreme Government, for the purpose of colonization and defence. Nothing had been effected under the provisions of that decree, until the mission of Colonel Almonte, whose report revealed the intention of the general government to colonise Texas with Mexicans, instead of foreigners, more especially with military men. The lavish appropriation of the waste lands by the Legislature of Coahuila and Texas must, of course, if permitted, have disabled the Government from executing its design. The law authorising the sale of the 411 leagues of Texan land was, therefore, as objectionable to the supreme authorities as to the colonists. The General Government accordingly denied the right of the State Legislature to dispose of the land except in its own favour, on the ground that Coahuila and Texas was chargeable with a proportion of the public debt, which remained unliquidated. Instead, however, of resorting to the remedies prescribed by the Constitution and the

laws, the power of the sword—the usual arbiter of Mexican differences—was invoked to rectify the alleged abuse.

The revolutionary proceedings of the party in power in Mexico, were opposed by the people in Puebla, Oaxaca, Zalisco, and other States of the nation. The State of Zacatecas refused to disband and disarm its militia, in obedience to the decree of the General Congress, and in April had recourse to arms, to resist the measures in progress for establishing a Central Republic. On the 22nd of the same month, the Legislature of Coahuila and Texas framed an "Exposition to be presented to the Chambers of the Union, petitioning that no reforms be made in the Federal Constitution, save in the manner therein prescribed."

In this document the petitioners, after lamenting the constant fluctuations in the government for party objects, observed:—

"A year has not passed since the plan of Cuernavaca, exciting the fears of the timid and the individual interest of those disaffected by the compacts of Zavaleta, became general throughout the republic. This plan did not acknowledge the legitimacy of the General Congress, and most of the State Legislatures were dissolved, under the pretext of their having passed laws upon religious reforms, and others which were contrary to the Federal Constitution and those of the States. If this single cause produced a general and simultaneous movement throughout the republic, what may be expected from the violent reforms which now occupy the august chambers? * * * *

"To effect these reforms, opinions have been expressed in that august body, so unreasonable as to suppose the present

General Congress invested with the power of changing the constitution at pleasure. It is not understood how a national representation which owes its origin to the existing fundamental compact, can have the right of reforming or changing it according to their caprices. On what principle of constitutional right can this power be predicated? What act of their organization has conferred upon them so extraordinary a prerogative? Did not the electors from whom they received their appointment act in conformity with the same constitution? Then it is certain that the general Congress has not, nor can have, any other power than those defined in the 47th, 48th, 49th, and 50th articles of the Federal Constitution, because it is also evident that the people, in constituting this Congress, were strictly governed by the same.

"Therefore, the State of Coahuila and Texas, legally represented by its legislature, protests, in the most solemn manner, that having been received into the confederation by virtue of the fundamental compact, and on the principles therein established, it does not, nor ever will acknowledge the acts emanating from the General Congress, which are not in strict conformity with the express tenor of the above cited articles; nor will it admit other reforms of the Constitution, than those made in the manner therein prescribed: on the contrary, it will view as an attempt against its sovereignty, every measure in opposition to these legal dispositions. A fatality, ever to be lamented, has caused us to attempt the remedy of one evil by another. While in the south there appears a revolutionary spark, the chambers of the Union are warmly engaged in the discussion of questions of reform, which have engrossed the attention of all: certain laws have been repealed, and others have been passed, giving such a preponderance to the privileged classes, that they, to continue these abuses, are constantly engaged in exciting disturbances. The civic

militia is reduced throughout the republic; or, rather, the only bulwark of liberty, and of the rights of the community, is destroyed. The general government, which ought to turn its attention to the revolutions of the south, is preparing an expedition against a pacific state, as is that of Zacatecas, which has so long been the glory of the nation, checking arbitrary measures and abuses of power. The commandant-general of the Eastern Internal States, interfering, in the most scandalous manner, with the internal administration of the State of Coahuila and Texas, and even issuing orders that certain laws which have been passed by this legislature shall not be complied with, is making arrangements to move the presidial troops from the frontier posts where they are stationed, and where they are so necessary on account of the savage Indians, and is bringing them upon this capital, doubtless to put down the supreme authorities, or to accomplish some nefarious object. The general government, which has been applied to, to check these advances of military power, preserves a profound silence upon the subject; so that everything indicates the dangerous course we are pursuing, and in which reflection, prudence and wisdom alone can prevent us from being involved in the disasters of a civil war."

Santa Anna, with a body of regular troops, marched in April against Don Francisco Garcia, governor of the State of Zacatecas, a liberal and enlightened man, but an unskilled commander. Withdrawing his undisciplined troops, amounting to 5,000 men, from their strong post in the city, Garcia had the imprudence to give battle to Santa Anna on the prairies of Guadalupe, where, after an engagement of two hours, he was totally defeated with great loss, leaving 2,700 prisoners, with cannon, arms and ammunition in the hands of the

enemy. Advancing by a forced march to the city of Zacatecas, Santa Anna took possession of it, and overcame all farther resistance in the State.* While engaged in these operations, he ordered his brother-in-law, General Martin Perfecto de Cos, who had the military command and inspection of the Eastern Internal Provinces, to proceed from Matamoros with a suitable force, for the purpose of punishing the legislature of Coahuila and Texas, the members of which, in addition to their profligate land sales, had incurred his personal displeasure by declaring against him in June 1834.

Difficulties began to thicken around the State Legislature of Coahuila and Texas. The Centralist party was again organised at Saltillo, powerfully seconded by military influence. The Governor Viesca endeavoured to prepare for the approaching storm, by calling out part of the militia, and applied for a levy of one hundred men in each of the three Departments of Texas. His proclamations called upon the Texans to arouse themselves for the protection of their dearest interests.—"Your liberty, your property, nay, your very existence," he said to the colonists, "depend upon the capricious will of your direst enemies. Your destruction is resolved upon, and nothing but that firmness and energy peculiar to true Republicans can save you. The present administration wish to reduce Texas to a *territory;* and if this degradation should not prove sufficient to arouse you to hostility, they mean to heap insult upon insult, disgrace upon disgrace, until you are ultimately compelled to defend yourselves."

* Official account of the fall of Zacatecas, by General Santa Anna, May 11th, 1835.

So unpopular had the Governor and Legislature become, in consequence of their misappropriation of the public lands, that the appeal was disregarded.* At this juncture, General Cos issued an address denouncing the legislature at Monclova, complaining that they had alienated the public domain, refused quarters to the government troops, secreted the exiled Vice-President, Gomez Farias, declared the local militia permanent, and meditated insurrectionary designs, under the pretext of reducing Saltillo, which had disclaimed their authority. The Commandant-General concluded by threatening to put down the "Revolutionists" by military force, unless they manifested speedy repentance and reformation of these and other "criminal acts."

Apprised of the fall of Zacatecas, and aware that Cos was about to execute his threats, the Legislature adjourned, after authorising the Governor, Viesca, to remove with the public archives to Texas, and there fix the seat of government. Having secured the State documents, the Governor commenced his march, escorted by about one hundred and fifty local militia, and twenty Anglo-American colonists. At the Hacienda de Dos Hermanos, about thirty miles on the route, he halted for two days, in order to despatch some indispensable business before leaving Coahuila. This delay was fatal to his resolution. He was informed that he would have to fight his way in crossing the Rio Grande, where Santa Anna had posted some troops; too few, however, to form

* "It was too much for us to risk, if it was not too much for him to ask, our blood to sustain those who had wantonly squandered our lands."—*Declaration of the Central Committee and Representatives of the Municipalities of the Brazos and Bexar.*

a serious obstacle in the estimation of determined men. Notwithstanding the urgent advice of the Texans to push onward, he returned with the archives to Monclova, disbanded his followers, and intimated that he relinquished all farther opposition to the government. Subsequent reflection having satisfied him that he had advanced too far to recede with safety, he attempted a secret retreat to Texas, accompanied by some officers of the government, and guided by Colonel Milam and Dr. Cameron. On the second or third day of his journey he was arrested in a mountain pass, and sent, with all his party, a prisoner to Monterey in New Leon, from whence they were ordered to be transferred to the dungeons of the castle of San Juan D'Ulloa, at Vera Cruz. Fortunately, Milam escaped at Monterey, and the others on their way to Saltillo, and eventually all reached Texas in safety. The State authorities were deposed by a resolution of the General Congress, the decrees of the session of 1835 annulled, and those members of the legislature who remained in Coahuila arrested by military order, imprisoned, and ultimately banished.

The unjustifiable acts of the State Legislature, its dispersion and the encroachments of the military, produced great excitement and confusion in Texas, which were increased by disturbances arising out of opposition to the vexatious mode of collecting the Customs' duties, as well as to the amount of those duties, which was oppressive to the merchants and colonists. In the autumn of 1834 a revenue officer with a guard of forty men had been stationed at Anahuac. A number of persons assembled at this place, seized the collector, disarmed the troops, and forced them to withdraw to

San Felipe. The actors in this high-handed affair, the disappointed land speculators, and all the turbulent and ambitious adventurers in the country, clamoured for an open and immediate rupture with the General Government, but the great majority of the colonists still opposed violent measures, condemned the aggression at Anahuac, declared themselves ready to discharge their duty as faithful citizens of Mexico, attached by inclination and interest to the Federal Compact, and humbly sustaining their position until the Federal Congress should legally admit them to the rights of a separate State. The war party alarmed the colonists with fearful accounts of the arbitrary projects and military preparations of Santa Anna: their opponents deprecating rumours which had a most pernicious effect on emigration and the public welfare, formed committees and promulgated addresses to the people, through their Political Chiefs, allaying popular apprehensions by citing the official communications of the Commandant-General Cos, and Colonel Ugartechea, Commandant of Bexar, which "breathed throughout peace and harmony." The latter declared that "the colonists had nothing to fear from the introduction of troops, which had no other object than to place detachments at the ports, to suppress the smuggling trade, and to prevent the incursions of the Indians, who, when not chastised, became every day more insolent." Publicity was also given by Wylie Martin, the Political Chief of the Brazos, to the following extract from a letter from Colonel Austin, dated Mexico, March 10, 1835:—"The *territorial* question is now *dead*. The advocates of that measure are now strongly in favour of a State Government, and the sub-

ject is before Congress. A call has been made upon the President for information on the subject; and I am assured the President will make his communication in a few days, and that it will be decidedly in favour of Texas and the State."

The bulk of the colonists, consisting of quiet husbandmen, to whose prosperity, peace was all-important, were tranquillised by assurances which harmonised with their wishes. Their indignation against the State Legislature, in consequence of the unprincipled sale of the public lands rendered them indifferent to its fate, and they consoled themselves with the hope that they would, ere long, obtain the benefits of good local government by the acknowledgment of Texas as an independent member of the Mexican Union. It was not until the course of events demonstrated the fallacy of this hope that they yielded to despondency or dreamt of resistance. The first circumstance which awakened suspicion in the minds of the peaceable settlers, regarding the intentions of the General Government, arose out of the attack on the revenue post at Anahuac.

This unwarrantable act was the joint work of some American traders at Galveston and a few Texans, and was neither sanctioned nor palliated by the colonists at large. On the 1st of June, 1835, the Ayuntamiento of Liberty, in the Department of Nacogdoches, "having been informed of the difficulties existing between some of the merchants and the collector of the maritime custom-house of Galveston, in relation to the collection of duties imposed on foreign wares, goods, and merchandise, and being desirous to put a speedy period to these dissensions," issued a manifesto, in conformity

with the 155th article of the State Constitution, indicating to "all the good people of every jurisdiction that a prompt obedience to the laws is the first duty of every good citizen; that every nation enjoys the undoubted right to establish its own system of revenue; that the revenue laws, like all other political laws, are to be respected by those who come within the legitimate sphere of their action; and although these laws may be unwise, yet to resist them by force is more unwise and ill-timed than the laws themselves: besides, it would be criminal." * * * "We are willing to admit that these duties, when applied to the peculiar conditions of the colonists, are disproportionate in some particulars, and oppressive in others, and stand in great need of modification; but this modification is only to be effected by the National Congress." * * * * "This Ayuntamiento, therefore, with great solicitude and determination, caution all persons against using any force, violent threats, or illegal means, against the collector of the maritime customs of Galveston, in the discharge of his official duties; or against any of his officers, or other persons lawfully employed in the custom-house department. And we call upon all officers, both civil and military, to lend their aid, if required, to sustain the revenue officers at Galveston and Anahuac, in discharging their respective official duties. And we, moreover, enjoin it as a duty incumbent on the Commissaries and other officers of police in Texas to use their best exertions to suppress and prevent all mobs, riots, threats, or disorderly conduct against good order and public tranquillity; or against any of the public functionaries, or other individuals of this municipality who may be engaged in

preserving the laws and the constitution of their country inviolate; and to give timely notice of any such malconduct, together with the names of those who may be engaged therein, to the competent authorities." In defiance of this notification, the malcontents assailed the collector at Anahuac, and having accomplished their object, dispersed before the authorities could take measures to repel or arrest them. The Political Chief of the Brazos and the Central Committee of the Departments of Brazos and Bexar not only condemned this lawless aggression, but hospitably entertained the ejected commandant of Anahuac and his men, and, as he could not be prevailed upon to return to his post, assisted him, according to his request, to proceed with the troops to Bexar.*

An exaggerated account of the proceedings at Anahuac having reached General Cos, he despatched Captain Thompson, a naturalised citizen of Mexico, in the war schooner Correo, to Galveston, to inquire into the circumstances of the affair, and report as soon as possible the result of his investigation at Matamoros. Thompson proved himself altogether unfit for his mission. Instead of instituting an inquiry into the facts of the alleged outrage, he assumed the character of a blustering dictator, exceeded his orders, and, under the pretext of protecting the revenue, attacked and captured a vessel in the Texan trade. This had the effect of irritating the public mind against both Thompson and the government, and the former having continued to linger on the coast, a merchant vessel, the San Felipe,

* Address to the People of Texas by Wylie Martin, Political Chief of the Brazos, August 15th, 1835.

fitted out with cannon at New Orleans, and commanded by Captain Hurd, captured the Correo, and sent it with its commander to New Orleans, on a charge of piratically interrupting the trade of Mexico and the United States. The insolent assumption of authority by Thompson, on the one side, and the insulting seizure of a Mexican vessel of war, on the other, operated injuriously on the relations subsisting between the general government and Texas, and imparted greater boldness to the section of Anglo-Americans who desired to bring on an open rupture.

Notwithstanding the soothing professions of Cos and Ugartechea and the really pacific inclinations of the majority of the Texans, it was apparent in August that a collision was at hand. It was reported that Santa Anna was concentrating troops at Saltillo for the invasion of Texas; and the conduct of his partisan, Colonel Nicholas Condey, commandant of Goliad, served to confirm the rumour. This man commenced his rule by imprisoning the Alcalde and extorting from the Collector of Customs (*Administrador*) the sum of 5,000 dollars, on pain of being sent under arrest to Bexar. The arms deposited with the local authorities were seized, citizens were pressed into the ranks as soldiers, and troops were forcibly quartered on the people. The refusal of the Texans to deliver up an exiled Federal leader, Lorenzo de Zavala, and some of the fugitives from Monclova, at the demand of their political enemies, was deemed a sufficient pretext for increasing the military. Zavala, who became a prominent actor in Texan affairs, was a native of the Mexican State of Yucatan, and was elected a delegate to represent his

country in the Spanish Cortes. After the revolution, he played a conspicuous part in the Mexican Congress, and was successively Governor of the State of Mexico and Minister of Finance. In 1828-9, he united with Santa Anna and Lobato in maintaining the cause of Federalism, then represented by Guerrero. He adhered to Santa Anna so long as that intriguing soldier remained true to federal principles. At the time when the first advances towards Centralism were made by his old associate, Zavala was minister from the Mexican Republic to France. Informed of Santa Anna's faithlessness to his principles and party, he resigned his office, being unwilling to represent a government whose head had sacrificed the public liberties to his personal ambition.* Retiring from France, he went a voluntary exile to Texas, where, having relinquished his high station, he came "to establish himself among free citizens," and to cultivate the lands he had previously purchased. He was residing on his estate, on the San Jacinto River, when demanded by Santa Anna, whose vindictiveness he had awakened by a spirited letter accompanying his resignation of the French embassy, in which he told the Dictator that "formerly he owed his success in arms to the justice of his cause, but now that his cause was a bad one, liberal principles would put him down."

Zavala's position and experience gave him an early

* *Habiendo obtenido del General Santana la comision de Ministro Plenipotenciario cerca de S. M el Rey de los Frances es hic-e dimision de este encargo tan luego como llego a mi noticia haber disuelto el Congreso y arrogadose todas los poderes.*—Opinion of Don Lorenzo de Zavala on the political condition of the Mexican United States, addressed to a Meeting of the Citizens of Lynchburg, in Texas, August 7th, 1835.

and accurate perception of Santa Anna's revolutionary schemes. The Plan of Toluca, published in June, calling for a change of the Mexican Government from a Federal to a Central Republic, was, he knew, the certain prelude to the subversion of the constitutional compact. In the critical situation of their affairs, his counsels were of value to the Texans, who, in the beginning of September, had the additional good fortune to witness the return of their ablest adviser, Stephen Austin, with whom Zavala zealously co-operated.

On the 8th of September Mr. Austin, after an absence of nearly two years and a half, and an imprisonment of many months, attended a public dinner at Brazoria, in honor of his return. In a speech delivered by him on that occasion, he explained his conduct as agent for Texas, stated the political difficulties in which the country was entangled, and recommended union and deliberation:

"I left Texas," said Mr. Austin, "in April, 1833, as the public agent of the people, for the purpose of applying for the admission of this country into the Mexican Confederation as a State separate from Coahuila. This application was based upon the constitutional and vested rights of Texas, and was sustained by me in the city of Mexico to the utmost of my abilities. No honourable means were spared to effect the objects of my mission, and to oppose the forming of Texas into a Territory, which was attempted. I rigidly adhered to the instructions and wishes of my constituents, so far as they were communicated to me. My efforts to serve Texas involved me in the labyrinth of Mexican politics: I was arrested, and have suffered a long persecution and imprisonment. I consider it to be my duty to give an account of these events

to my constituents, and will therefore at this time merely observe that I have never, in any manner, agreed to anything, or admitted anything, that would compromise the constitutional or vested rights of Texas. These rights belong to the people, and can only be surrendered by them.

"I fully hoped to have found Texas at peace and in tranquillity, but regret to find it in commotion; all disorganised, all in anarchy, and threatened with immediate hostilities. This state of things is deeply to be lamented; it is a great misfortune, but it is one which has not been produced by any acts of the people of this country; on the contrary, it is the natural and inevitable consequence of the revolution that has spread all over Mexico, and of the imprudent and impolitic measures both of the General and State Governments with respect to Texas. The people here are not to blame, and cannot be justly censured. They are farmers, cultivators of the soil, and are pacific from interest, from occupation, and from inclination. They have uniformly endeavoured to sustain the Constitution and the public peace, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals, they evidently resulted from the revolutionary state of the whole nation, the imprudent and censurable conduct of the State authorities, and the total want of a local government in Texas. It is, indeed, a source of surprise and creditable congratulation, that so few acts of this description have occurred under the peculiar circumstances of the times. It is, however, to be remembered that acts of this nature were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequences of the revolutionary state of the Mexican nation; and Texas certainly did not originate that revolution, neither have the people, as a

people, participated in it. The consciences and hands of the Texans are free from censure, and clean.

"The revolution in Mexico is drawing to a close. The object is to change the form of government, destroy the Federal Constitution of 1824, and establish a Central or Consolidated Government. The States are to be converted into provinces.

"Whether the people of Texas ought or ought not to agree to this change, and relinquish all or a part of their constitutional and vested rights under the Constitution of 1824, is a question of the most vital importance, one that calls for the deliberate consideration of the people, and can only be decided by them, fairly convened for the purpose. As a citizen of Texas I have a right to an opinion on so important a matter—I have no other right, and pretend to no other. In the report which I consider it my duty to make to my constituents, I intend to give my views on the present situation of the country, and especially as to the constitutional and natural rights of Texas, and will, therefore, at this time, merely touch this subject.

"Under the Spanish government, Texas was a separate and distinct province. As such it had a separate and distinct local organization. It was one of the unities that composed the general mass of the nation, and as such participated in the war of the revolution, and was represented in the Constituent Congress of Mexico that formed the Constitution of 1824. This Constituent Congress, so far from destroying this unity, expressly recognised and confirmed it by the law of May 7th, 1824, which united Texas with Coahuila *provisionally*, under the especial guarantee of being made a State of the Mexican Confederation, as soon as it possessed the necessary elements. That law and the Federal Constitution gave to Texas a specific political existence, and vested in its

inhabitants special and defined rights, which can only be relinquished by the people of Texas, acting for themselves as a unity, and not as a part of Coahuila, for the reason that the union with Coahuila was *limited*, and only gave power to the State of Coahuila and Texas to govern Texas for the time being, *but always subject to the vested* rights *of Texas*. The State, therefore, cannot relinquish those vested rights, by agreeing to the change of government, or by any other act, unless expressly authorised by the people of Texas to do so; neither can the General Government of Mexico legally deprive Texas of them without the consent of this people. These are my opinions.

"An important question now presents itself to the people of this country.

"The Federal Constitution of 1824 is about to be destroyed, the system of government changed, and a central or consolidated one established. Will this act annihilate all the rights of Texas, and subject this country to the uncontrolled and unlimited dictation of the new government?

"This is a subject of the most vital importance. I have no doubt the Federal Constitution will be destroyed, and a Central Government established, and that the people will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation, and the most perfect union. How is this to be had? I see but one way, and that is by a General Consultation of the people by means of delegates elected for that purpose, with full powers to give such an answer, in the name of Texas, to this question, as they may deem best, and to adopt such measures as the tranquillity and salvation of the country may require.

"It is my duty to state that General Santa Anna verbally and expressly authorised me to say to the people of Texas

that he was their friend, that he wished for their prosperity, and would do all he could to promote it; and that, in the new Constitution, he would use his influence to give to the people of Texas a special organization suited to their education, habits, and situation. Several of the most intelligent and influential men in Mexico, and especially the Ministers of Relations and War, expressed themselves in the same manner. These declarations afford another and more urgent necessity for a General Consultation of all Texas, in order to inform the General Government, and especially General Santa Anna, what kind of organization will suit the education, habits, and situation of this people.

"It is also proper for me to state that, in all my conversation with the President, and Ministers, and men of influence, I advised that no troops should be sent to Texas, and no cruisers along the coast. I gave it as my decided opinion, that the inevitable consequence of sending an armed force to this country would be war. I stated that there was a sound and correct moral principle in the people of Texas that was abundantly sufficient to restrain or put down all turbulent or seditious movement, but that this moral principle could not and would not unite with any armed force sent against this country: on the contrary, it would resist and repel it, and ought to do so. This point presents another strong reason why the people of Texas should meet in General Consultation. This country is now in anarchy, threatened with hostilities; armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe that it is our bounden and solemn duty, as Mexicans and as Texans, to represent the evils that

are likely to result from this mistake and most impolitic policy in the military movements.

"My friends, I can truly say that no one has been, or is now, more anxious than myself to keep trouble away from this country. No one has been, or now is, more faithful to his duty as a Mexican citizen, and no one has personally sacrificed or suffered more in the discharge of this duty. I have uniformly been opposed to have anything to do with the family political quarrels of the Mexicans. Texas needs peace and a local government; its inhabitants are farmers, and they need a calm and quiet life. But how can I, or any one, remain indifferent when our rights, our all, appear to be in jeopardy, and when it is our duty, as well as our obligation, as good Mexican citizens, to express our opinions on the present state of things, and to represent our situation to the government? It is impossible. The crisis is such as to bring it home to the judgment of every man that something must be done, and that without delay. The question will perhaps be asked, what are we to do? I have already indicated my opinion. Let all personalities, or divisions, or excitements, or passion, or violence, be banished from among us. Let a General Consultation of the people of Texas be convened as speedily as possible, to be composed of the best, and most calm, and intelligent, and firm men in the country, and let them decide what representations ought to be made to the General Government, and what ought to be done in future."

The character and services of Stephen Austin caused his opinions to be readily adopted by the colonists, who organised Committees of Safety and Vigilance, and resolved to insist on their rights under the Federal Constitution of 1824, and the laws of the 7th of May of that year. Austin was appointed chairman of the Com-

mittee of Safety for the jurisdiction of his own colony, which held its meetings at San Felipe. Information of "the most positive character" reached this Committee, which clearly established the intention of the dominant party in Mexico to introduce military government into Texas, the invasion of which was a common theme of conversation among the Mexican officers. "Infantry, artillery, and cavalry had been ordered from San Luis Potosi, Saltillo, and Tamaulipas, and all the disposable infantry at Campeachy had also been ordered on to Texas by water, as it was supposed they would stand the climate better than other troops. Magazines of arms and ammunition were forming at Matamoros, Goliad, and Bexar, and the old barracks and fortifications at the last-named place were undergoing repairs to receive a large force." Falcon, who had been constitutionally installed as successor to Viesca in the government of the State, was deposed by the military, and a governor appointed by Santa Anna. Instructions had been issued by General Cos to Colonel Ugertechea, Commandant at Bexar, to march into the colonies and take Zavala and the other proscribed Mexicans, be the consequences what they might. In addition to this meditated outrage on the laws and Constitution, and virtual nullification of the civil authorities, Cos issued an order requiring the citizens of Brazoria, Columbia, Velasco, and other places, to surrender their arms, thus providing for their complete prostration to military sway. It was known that Cos himself was expected at Bexar with a reinforcement of troops, and it was believed that he intended to sow dissensions among the colonists, attack them when disunited, and "break up

the foreign settlements in Texas." Satisfied that the moment for decisive action had arrived, the Committee of Safety for the jurisdiction of Austin issued a circular, dated September 19th, and signed by their chairman, containing the following recommendations to the colonists:—

"That the people should maintain the position taken by them at their primary meetings—to insist on their rights under the Federal Constitution of 1824, and the law of the 7th of May of that year, and union with the Mexican Confederation.

"That every district should send members to the General Consultation, with full powers to do whatever may be necessary for the good of the country.

"That every district should organise its milita, where it is not already done, and hold frequent musters; and that the captains of companies make a return, without delay, to the chief of this department, of the force of his company, and of its arms and ammunition, in order that he may lay the same before the General Consultation of Texas. Volunteer companies are also recommended.

"This committee deem it to be their duty to say that, in its opinion, all kind of conciliatory measures with General Cos and the military at Bexar are hopeless, and that nothing but the RUIN of Texas can be expected from any such measures. They have already, and very properly, been resorted to without effect. WAR is our only resource. There is no other remedy. We must defend our rights, ourselves, and our country, by force of arms. To do this we must unite—and in order to unite, the delegates of the people must meet in General Consultation, and arrange a system of defence, and give organization to the country, so as to produce concert. Until some competent authority is established to direct, all that can be done is to recommend this subject to the people,

and to advise every man in Texas to prepare for war, and lay aside all hope of conciliation."

The arrival of General Cos at Copano, with 400 men, (all the disposable force at Matamoros), and his march to Bexar, verified the anticipations of the Texans. The Alcalde of Goliad was struck by a Mexican officer for not being able to procure means of transport as quickly as they were required. The soldiers boasted that they would soon visit the colonists and help themselves to their property, and the officers said the entrance of Cos into Bexar would be the signal of march for San Felipe de Austin. The General had a guard of thirty men with him, and the Morelos division of lancers was close at his heels. He had about 60,000 dollars in specie for the purpose of paying the troops; and he informed the Alcalde of the Nueces district that he intended to overrun Texas, and establish custom-houses and detachments of his army where he thought proper.* A letter from Bexar to the Central Committee at San Felipe intimated that the people must either submit to military control or prepare for defence, as it was the intention of Cos to march into the colonies and regulate their affairs by force.

The first hostile movement of the Mexican troops was directed against Gonzalez. In conformity with his instructions to disarm the colonists, Colonel Ugartechea demanded from the municipality of Gonzalez a piece of cannon which had been four year in the town, and which was not required for the defence of Bexar, where there were eighteen pieces of unmounted artillery, in addition to those on the walls. The Alcalde of Gon-

* Private letter from La Baca, dated October 1st, 1835.

zalez, with the approbation of the people, refused to deliver up the cannon, under the impression that the demand was only made to afford a pretext for a "sudden inroad and attack upon the colony, for marauding and other purposes." Anticipating that Ugartechea would support his requisition by force, the settlers applied, on the 25th of September, for aid to the Committee of Safety at Mina, who referred the application to the Central Committee at San Felipe. On the 29th of September, Stephen Austin, on behalf of the Central Committee, informed the inhabitants of Gonzalez that, as the movements of the people of Texas were of a voluntary character, in defence of their constitutional rights, which were threatened by military invasion, they were justified in detaining the piece of cannon which was given to them by the authorities of a constitutional government to defend themselves, and the Constitution if necessary. On this principle they would be assisted, if attacked, by the inhabitants of other districts, and companies of volunteers had already marched to their aid, and more were in readiness, should they be needed. The Committee suggested that, inasmuch as the position taken up by the country was purely defensive, it was very important to keep this point constantly in view, and to avoid aggressive operations, "unless they should be necessary as a measure of defence."

On the 3rd of October the Committee at San Felipe addressed a circular to the people of Texas, reciting the arbitrary and revolutionary acts of the governing party in Mexico, and exposing the nature of its designs against Texas. This party had stated, through the Minister of Interior Relations, that

"—In the new Constitution or Central Government then being organised, guarantees shall be given to the people of Texas, their rights shall be protected and secured, and they are told that the government expects from their 'docility' a submission to all the reforms and alterations that may be agreed to by the majority of the nation.—But who compose, and what is this majority of the nation spoken of by the minister, and how are these reforms to be effected? It is composed of the same military powers, who have assumed the voice of the nation, and have suppressed the free expression of public opinion, and the reforms are to be effected by *unconstitutional means*—a sufficient proof of which is, that the present Congress in Mexico, which was elected with constitutional powers alone, have, by their own act, declared themselves to be invested with the powers of a National Convention, to frame a new Constitution, or reform that of 1824, as they think proper.

"It is well known to all, that the reforms spoken of by the minister, and now being made in Mexico, contemplate the abolition of the whole Federal System, the establishment of a Central or Consolidated Government, which is to absorb and swallow up all the powers and authorities of the nation; military commandancies will supply the place of the State Governments, and the vested rights of Texas under the Constitution and the law of May 7, 1824, are to be disregarded and violated.

"Ought, or can, or will the people of Texas submit to all this? Let each man study the subject and answer for himself. If he will submit, let him go to the military power and prostrate himself. If he will not submit, let him give his answer from the mouth of his rifle!

"In regard to the present movements of the military, the letter from Gonzalez, and extracts from other letters of un-

questionable faith, will inform the public. By these letters, the people of Texas are informed that their fellow citizens at Gonzalez *have been attacked—the war has commenced!* They will also perceive that General Cos has arrived with a reinforcement of troops, and is preparing for a campaign of extermination against the people of Texas.

"The head-quarters of THE ARMY OF THE PEOPLE for the present is at Gonzalez. It is already respectable in numbers, and invincible in spirit.

"This Committee exhorts every citizen who is yet at home, to march as soon as possible to the assistance of his countrymen now in the field. The campaign is opened. Texas must be freed from military despots before it is closed."

A detachment of about 200 Mexican cavalry from Bexar arrived on the western bank of the Guadalupe, on the 20th of September, and attempted the passage of the river, but were repulsed by eighteen men under Captain Albert Martin—the whole of the available force then at Gonzalez. The Mexicans encamped on a mound until the 1st of October, when they removed and assumed a strong position seven miles above the town. The Texans suspecting that their object was to await a reinforcement from San Antonio de Bexar, or to pass the river at the "upper crossing," about fifteen miles above, determined to forestall their arrangements by an immediate attack.

The Texan force at Gonzalez had been increased by volunteers from the Guadalupe, La Baca, and Colorado, to 168 men, of whom fifty were mounted: in an election for field-officers, they chose John H. Moore, colonel, and J. W. E. Wallace, lieutenant-colonel. About seven o'clock in the evening of the 1st, they crossed the river

Guadalupe. The line of march was formed by "placing the cavalry in advance of the cannon (the brass six-pounder claimed by Ugartechea), two companies of flankers in open column on each side, with a company of infantry in the rear." They moved regularly and in silence, until the Mexicans, alarmed by a shot from one of their piquets, formed in order of battle on a high mound. This was about four o'clock in the morning, during the prevalence of a thick fog, under cover of which the Texans advanced on the open prairie, until they were within about three hundred and fifty yards of the enemy. The scouts in front having discharged their rifles, retired into the main body, closely pursued by a small detachment of Mexicans. The six-pounder was now brought to bear upon the entire force of the enemy, who fell back to a position distant between three and four hundred yards. The Texans advanced in good order, when Castonado, the Mexican commander, conveyed, through a prisoner, his desire for a conference, which was granted. Having inquired the reason of the attack by the colonists, he was referred to his orders, which commanded him to take by force the cannon that had been presented to the citizens of Gonzalez, for the defence of the Constitution, by the constituted authorities under the Confederation, who alone were entitled to their obedience. He, they said, was the instrument of Santa Anna, who had overturned the rights of all the States except Texas, for whose constitutional privileges they were determined to fight to the last. The conference terminated without an adjustment, and the commanders joined their respective ranks. The Gonzalez six-pounder resumed its fire, and the Texans advanced

in double-quick time until within about two hundred yards of the enemy, when the latter retreated precipitately on the road to San Antonio de Bexar, having sustained a considerable loss in killed and wounded. The Texans, of whom not a man was injured, remained masters of the field, and having collected the spoils of victory returned in triumph to Gonzalez.

Inspirited by this success, the colonists resolved to attack the Mexicans in their strongholds of Goliad and San Antonio. As an encouragement to volunteers from Central and Eastern Texas, a letter from David B. Macomb, one of the party at Gonzales, published in the Texan papers, furnished a cheering picture of the commissariat, and stimulated the pride of his fellow-countrymen.—"We are well supplied," writes David, "with beef and bread, and corn for our horses. We have a grist-mill, which has been repaired by our men, and we are now in abundance. We shall grind plenty of meal in advance for those that are coming. In fine, the Anglo-American spirit appears in everything we do —quick, intelligent, and comprehensive; and while such men are fighting for their rights, they may possibly be overpowered by numbers, but, if whipped, they won't stay whipped."

Expresses were forwarded by Stephen Austin to the people of the eastern municipalities, urging them to join their friends in the Department of the Brazos, who were animated by one spirit for the common purpose of taking Bexar, and driving all the military out of Texas before the close of the campaign.—"Arms and ammunition," said Austin, "are needed; we have more men than guns. Could not some muskets be forwarded

from the other side of the Sabine? This Committee will contribute, and is responsible that the people here will do the same, to pay a full proportion of the expense. This is all-important: a few waggon-loads of muskets and ammunition would be of the utmost service at this time. Could not volunteers also be had from the United States? Our cause is one that merits the moral and physical aid of a free and magnanimous people, and those who now step forward may confidently expect that Texas will reward their services."

While the colonists were actively engaged in preparations for the defence of their rights under the Federal Constitution of 1824, measures for annulling that compact were advancing to maturity in Mexico. In July, the General Congress met in the capital and resolved itself into a Constituent Congress, with power to effect organic reforms. It decreed by a large majority that a central form of government should be adopted, and appointed a committee to report a Constitution. The committee reported that there should be a Supreme Chief to rule the nation, who should be elected for eight years, and be re-eligible for life—that the Senate should be composed of twelve members—six generals and six bishops, to be appointed by the Chief—that the Representative Chamber should be elected by persons owning a certain amount of property; and that the States should be called Departments, to be governed by a military commandant and a bishop. On the 3rd of October, 1835, the acting President of Mexico, General Barragan, issued the following decree, which abolished the legislative powers of the several States and established a Central Republic.

[Decree of the 3rd October, 1835.]

"*Office of the First Secretary of State, Interior Department.*

"His Excellency the President *pro tem.* of the Mexican United States to the Inhabitants of the Republic. Know ye, that the General Congress has decreed the following:

"ART. 1. The present governors of the States shall continue, notwithstanding the time fixed by the Constitution may have expired; but shall be dependent for their continuance in the exercise of their attributes upon the Supreme Government of the nation.

"ART. 2. The legislatures shall immediately cease to exercise their legislative functions: but before dissolving, (and those which may be in recess meeting for the purpose,) they shall appoint a Department Council, composed, for the present, of five individuals, chosen either within or without their own body, to act as a council to the governor; and in case of a vacancy in that office, they shall propose to the Supreme General government three persons possessing the qualifications hitherto required: and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list who is not an ecclesiastic.

"ART. 3. In those States where the legislature cannot be assembled within eight days, the Ayuntamiento of the capital shall act in its place, only for the purpose of electing the five individuals of the Department Council.

"ART. 4. All the judges and tribunals of the States, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries which could only be investigated before Congress, shall be referred to, and concluded before the Supreme Court of the nation.

"ART. 5. All the subaltern officers of the State shall also continue for the present (the places which are vacant, or which may be vacated, not to be filled), but they, as well as the officers, revenues, and branches under their charge, remain subject to, and at the disposal of, the Supreme Government of the nation, by means of the respective Governors.

"Palace of the Federal Government in Mexico, Oct. 3rd, 1835.

"MIGUEL BARRAGAN,
"A. D. MANUEL DIEZ DE BONILLA."

This decree was regarded by the Anglo-Americans as a monstrous perversion of power, destructive of all their hopes of good local government. Their State Legislature being dispersed, it conferred the right of appointing a governor and council, with enlarged authority, on the petty corporation of Monclova. The case would have been similar had the Congress of the United States of the North passed an act authorising the corporation of Albany (in the absence of the State Legislature) to nominate a Council of Government for the State of New York, which was henceforth to be deprived of its administrative privileges, and to become a Department of a consolidated government, like the Departments of France. The decree was opposed by constitutional protests and armed resistance, by the Federalists of Guadalaxara, Oaxaca, and other Mexican States, but Santa Anna and the soldiery succeeded in putting down these insulated popular movements. The last division of the Republic to be coerced was Texas, which, destitute of numerical strength, regular troops and pecuniary resources, resolved to battle for its guar-

anteed rights against the government of a nation possessing a population of nine millions.

"Like our fathers of the Revolution," said the Colonists, "we have sworn to live free or die—like our fathers of 1776, we have pledged to each other our lives, fortunes, and sacred honors—and have vowed to drive every Mexican soldier beyond the Rio Grande, or whiten the plains with our bones."*

* Address of the General Council to the People of Texas.—San Felipe de Austin, October 23, 1835.

CHAPTER X.

Texan preparations for Defence—Advice of Zavala—Appointment of a General Council—Offensive operations of the Colonists—Capture of Goliad—Milam—Advance of the main Army under Stephen Austin to Bexar—Battle of the Conception—American rencounter with Texan Indians—The Bowie Knife—Meeting of the General Consultation of Texas—Election of a Provisional Government—The Grass Fight—Affair at Lepantitlan—Stephen Austin's Retirement from the Army, and Report to the Provisional Government—Call of a new Convention.

ONCE embarked in the contest with the military innovators of Mexico, the Texans were indefatigable in preparations for defence. In the Department of Nacogdoches resolutions were passed for raising an armed levy, and Samuel Houston, who was appointed general of the Department, announced that liberal bounties of land would be given to all volunteers who should join his standard "with a good rifle and one hundred rounds of ammunition." The volunteers of the Department were requested forthwith to organise under the direction of the Committee of Vigilance and Safety, in companies of fifty men each, who were to elect their officers and report to head-quarters, unless ordered on special service. Meetings favourable to the cause of the Texans were held at Natchitoches and New Orleans; and, at the latter place, a committee was appointed to communicate with the Provisional Government of Texas, and procure supplies of men and money. Through its endeavours, the sum of 7,000 dollars was soon subscribed, and two volunteer companies, amounting to 115

men, raised and equipped. Deficient in all the resources requisite for war, except moral energy and courage, the Colonists themselves contributed, from their private means, whatever was calculated to be of use to the troops. Leaden water-pipes and clock-weights were melted down for ammunition, and even the women cheerfully assisted in moulding bullets and making cartridges. To secure the frontier settlers from the attacks of hostile Indians, persons were empowered to contract with and employ three companies of rangers, at the daily rate of one dollar and a quarter each, to scour the country between the Colorado and the Brazos, the Brazos and the Trinity, and the exposed district east of the Trinity.

While exertions were made to create a military force, the organization of an efficient and satisfactory form of civil government was not neglected. On the 8th of October, Stephen Austin left San Felipe, to assume the command of the little army at Gonzalez, and his place, as Chairman of the Central Committee of Safety, was filled by Lorenzo de Zavala, who had declared in August that "the fundamental compact having been dissolved, and the guarantees of the civil and political rights of citizens having been destroyed, it was incontestable that all the States of the Mexican Confederation were left at liberty to act for themselves, and to provide for their security and preservation, as circumstances might require. Coahuila and Texas formed a State of the Republic, and as one part of it was occupied by an invading force, the free part of it should proceed to organise a power which would restore harmony and establish order and unanimity in all the branches of the

public administration, which would be a rallying point for the citizens, whose hearts were trembling for liberty. But, as this power could only be organised by means of a convention which should represent the free-will of the citizens of Texas, he recommended this step, and suggested the 15th of October, as affording sufficient time to allow all the Departments to send their representatives." In pursuance of Zavala's advice, the municipalities proceeded to choose representatives to attend a General Consultation of all Texas. On the 16th of October a number of delegates (not sufficient to form a quorum) assembled at San Felipe; but, in consequence of the absence of members who had withdrawn to join the army for repelling Mexican invasion, it was resolved, in accordance with the expressed wish of Austin and the officers at Gonzalez, that the meeting of the Consultation should be postponed until the 1st of November. To meet the emergency of affairs—"Texas being without a head"—a council was formed on the 11th, under the name of the General Council of Texas, to which the delegates to the Consultation who were not prepared to join the army, were attached, each municipality being requested to send a representative. Among other proceedings, the Council adopted a resolution to recommend the Consultation to annul the "extensive land grants made by the Legislature of Coahuila and Texas since 1833, which had been purchased by certain individuals under the most suspicious circumstances." Three commissioners were appointed to treat with the Cherokees and other Northern Indians, and persons were authorised to contract and receive loans, at a rate not exceeding ten per cent. per annum, and to obtain possession and

provide for the collection of all public money previously received on behalf of the Mexican government, or the State of Coahuila and Texas. Instructions were issued for suspending the operations of the land offices until the meeting of the Consultation, and a system of weekly mails was organised, and John Rice Jones appointed provisional Postmaster-General of Texas.

The Colonists in the west, notwithstanding their paucity of numbers and limited resources, acted boldly on the offensive. On the 8th a detachment of fifty men under Captain Collinsworth, attacked and captured the post at Goliad, containing stores to the amount of 10,000 dollars, with two brass cannon and 300 stand of arms. The garrison, which was commanded by Lieutenant-Colonel Sandoval, surrendered after a slight resistance. One Mexican soldier was killed and three wounded, and one Texan slightly wounded. A most valuable addition was made to the military councils of the Colonists, at Goliad, in the person of Colonel Milam, who unexpectedly appeared at this critical period.

Benjamin R. Milam, whose name will long be held in grateful and honoured remembrance by the people of Texas, was born of humble parents in the State of Kentucky, and received but a very imperfect education. "Endowed by nature with a strength of mind and spirit of enterprise almost peculiar to the inhabitants of the Western States,"* fortified by habits of independence, he associated with the Indian tribes, in order to explore the more southerly parts of Texas. In the war with Great Britain, in 1812-15, he acquired a high reputation among his countrymen; but, dissatisfied with

* General Wavel, in the Appendix to Ward's Mexico.

the prospects that awaited him in his native State, at the close of that contest, he engaged in the struggle for Mexican liberation, and was quickly distinguished for courage, activity, zeal, and love of freedom. Opposed to the usurpation of Iturbide, he was arrested and imprisoned; but eventually released by a rising of the people. Having assisted in the expulsion and punishment of the military emperor, he obtained, in 1828, a government grant of land in Texas.† His escape, after being taken with the Governor, Viesca, has been already mentioned. Shunning the habitations of the Mexicans, and traversing unfrequented paths for a distance of 600 miles, with a few scanty articles of food provided at the place of his confinement, he had arrived near the town of Goliad, and threw himself, faint and almost exhausted, among the tall grass of the prairie. The approach of armed men arrested his attention, and presuming them to be his Mexican pursuers, he determined to defend himself to the last, and only surrender liberty with life. To his astonishment and joy, he discovered the advancing force to be his fellow-colonists of Texas, who were marching against Goliad. He entered the ranks of the volunteers as a private soldier, although accustomed and well qualified to command, and was foremost in the assault on Goliad—remaining with the army after the capture of the fort, in the same humble grade, as an example to those who might aspire to lead before they had learned to obey.

On the 11th of October, the "Western Army" of the Colonists was organised at head-quarters on the right

† According to Mrs. Holley, Milam disposed of his interest in this grant to Messrs. Baring and Co., London.

bank of the Guadalupe. Stephen Austin was elected Commander-in-Chief, and, on the 13th he moved towards Bexar, which he proposed to reduce, although strongly garrisoned by Mexican soldiers, under General Cos, while the whole Texan force did not exceed 300 men. Feeling the necessity of additional strength, Austin wrote to the Committee of Safety at San Felipe, begging them to urge the Eastern Volunteers "to hurry on by forced marches" to join him, and "not to stay for cannon, or for any thing." He also solicited supplies of ammunition, with provisions and other necessaries for the troops.

On the 20th the Texans reached the Salado Creek, about five miles from Bexar, where they took up a secure position to await the arrival of reinforcements. Cos refused to receive a flag of truce from Austin, or to acknowledge him in a military capacity, announcing his intention to fire on a second flag, if sent. After the fall of Goliad, the Mexicans had used strenuous exertions to fortify San Antonio de Bexar, so that it seemed idle for the Colonists to attempt its reduction, without a considerable accession of numbers and a supply of artillery; the former of which was expected from Eastern Texas, the latter from the United States.

While posted at the Salado, the Colonists had some skirmishing with the Mexicans, in which the latter were invariably worsted. On the 27th of October Colonel James Bowie and Captain J. W. Fannin, in compliance with the order of General Austin, proceeded with a detachment of ninety-two men, rank and file, under their joint command, to examine the old Missions above Espada, and select the most eligible situation near

Bexar, for the encampment of the main army. After inspecting the sites of the Missions of San Juan and San José, they proceeded to that of La Purissima Concepcion, distant one mile and a half from San Antonio de Bexar, and selected ground within about five hundred yards of the Mission, in a bend of the river. In front, there lay an almost level plain, the wooded land skirting which formed two sides of a triangle nearly equal in extent. A considerable "bluff," having a precipitate fall of from six to ten feet, and a river "bottom" of from fifty to one hundred yards, broke the regularity of the triangle, and in some degree protected the rear. At this place the detachment lay on their arms during the night of the 27th, which passed quietly off, without the least alarm.

The morning of the 28th was obscured by a fog, so dense as to prevent the picquets from discerning objects not close at hand. About half an hour after sunrise, some Mexican cavalry rode close to the Texan line and fired upon the sentinels. The subsequent details are taken from the official account of the action rendered by Colonel Bowie to General Austin.

"The men were called to arms, but were for some time unable to discover their foes, who had entirely surrounded the position, and kept up a constant firing at a distance, with no other effect than a waste of ammunition. When the fog rose it was apparent to all that we were surrounded, and that a desperate fight was inevitable, all communication with the main army having been cut off. Immediate preparation was made by extending our right flank (first division) to the south, and placing the second division on the left, on the same side; so that they might be prepared for the enemy should they

charge into the angle, and avoid the effect of a cross-fire of our own men, and likewise form a compact body, so that either might reinforce the other at the shortest notice without crossing the angle—an exposed ground, which would have occasioned certain loss. The men, in the mean time, were ordered to clear away bushes and vines under the eminence in the rear, and along the margin of the river, and at the steepest places to cut steps for foothold, in order to afford them space to form and pass, and at suitable places ascend the 'bluff,' discharge their rifles, and fall back to reload. The work was not completed to our wish before the Mexican infantry were seen to advance, with arms trailed, to the right of the first division, and form the line of battle about two hundred yards distance from the right flank. Five companies of cavalry supported them, covering our whole front and flank.

"The engagement commenced at about eight o'clock, A.M., by the deadly crack of a rifle from the extreme right. The action was immediately general. The discharge from the enemy was one continued blaze of fire, whilst that from our lines was more slowly delivered, but with good aim and deadly effect, each man retiring under cover of the hill and timber, to give place to others until he reloaded. The battle had not lasted more than ten minutes, when a brass six-pounder was opened on our line at the distance of about eighty yards from the right flank of the first division, and a charge sounded. But the cannon was cleared, as if by magic, and a check put to the charge. The same experiment was resorted to with like success three times, the division advancing under cover of the hill at each fire, and thus approximating near the cannon and victory. 'The cannon and victory,' was truly the war-cry; the enemy only fired it five times, and it had been three times cleared, and their charge as often broken, when a disorderly and precipitate retreat was sounded and most readily

obeyed, leaving the cannon to the victors. Thus a detachment of ninety-two men gained a complete victory over part of the main army of the Central Government, being at least four to one, with only the loss of one brave soldier (Richard Andrews), and none wounded.*

"No invidious distinction can be drawn between any officer or private on this occasion. Every man was a soldier, and did his duty agreeably to the situation and circumstances under which he was placed. At the close of the engagement a piece of heavy artillery was brought up and fired thrice, but at a distance, and by a reinforcement of another company of cavalry, aided by six mules ready harnessed, they got it off. The main army (of Texas) reached us in about an hour after the enemy's retreat. Had it been possible to communicate with you (General Austin) and brought you up earlier, the victory would have been conclusive, and Bexar ours before twelve o'clock."

James Bowie, the writer of the foregoing account of "The Battle of the Conception," had removed with his brother, Razin P. Bowie, from Louisiana to Texas several years before. Both were men of a singularly daring and enterprising character. They were actors, with some of their countrymen, in an accidental rencounter with a war-party of Texan Indians, which has been recorded as a remarkable instance of courage, physical endurance, and presence of mind. The Americans (nine men and two boys) left San Antonio de Bexar on the 2nd of November, 1831, for the silver mines

* Colonel Bowie estimated the Mexican loss at about sixty killed and forty wounded, the list of killed including many officers. None of the artillery-men escaped unhurt. There was no accurate return of the Mexican loss.

of the San Saba River, and were followed by 164 Towackanie and Caddo Indians, "who were determined to have their scalps at all risks." The description of the conflict, which is given in the words of Razin P. Bowie, is so graphic and so illustrative of the hazards of frontier life in the West, that the European reader will hardly consider its introduction a digression from the main subject.

"Their number being so much greater than ours, it was agreed that Razin P. Bowie should be sent to talk with them, and endeavour to compromise rather than attempt a fight. He accordingly started with David Buchanan in company, and walked to within about forty yards of where they had halted, and requested them in their own tongue to send forward their chief. Their answer was, 'How de do? how de do?' in English, and a discharge of twelve shots at us, which broke Buchanan's leg. Bowie returned their salutation with the contents of a double-barreled gun and a pistol. He then took Buchanan on his shoulder, and started back to the encampment. A heavy fire was opened upon us, which wounded Buchanan slightly in two more places, and pierced Bowie's hunting-shirt, without doing him any injury. When they found their shot failed to bring Bowie down, eight Indians on foot took after him with their tomahawks; but when close upon him were discovered by his party, who rushed out with their rifles and brought down four of them—the other four retreating back to the main body. We returned to our position (in a cluster of live oak, with bushes about ten feet high on the north, and a stream of water distant about forty yards to the west), and all was still for about five minutes.

"We then discovered an eminence to the north-east, at the distance of about sixty yards, red with Indians, who, with

loud yells, opened a heavy fire upon us. Their chief, on horseback, walking his horse perfectly composed, urged them to the charge. When we first discovered him James Bowie cried out, 'Who is loaded?' Mr. Hamm observed, 'I am.' He was then told to shoot the Indian on horseback. He fired and broke his leg, and killed his horse. We now discovered him hopping round his horse on one leg, with his shield on his arm to keep off the balls. By this time four of our party having reloaded, fired at the same instant, and all the balls took effect through the shield. He fell, and was immediately surrounded by six or eight of his tribe, who picked him up and bore him off. Several of these were shot by our party. The whole body of Indians then retreated out of sight, with the exception of a few, who were running about from tree to tree out of gun-shot range.

"They now covered the eminence a second time, bringing up their bowmen, who had not been in action before, and commenced a heavy fire with balls and arrows, which we returned by a well-directed discharge of our rifles. At this instant another chief appeared on horseback, near the spot where the last one fell. The same question of 'Who is loaded?' was asked; the answer was 'Nobody;' when little Charles, the mulatto servant, came running up with Buchanan's rifle, which had not been discharged since he was wounded, and handed it to James Bowie, who instantly fired, and brought the chief down from his horse. He was borne off, like the last, by six or eight of his tribe under our fire. During the time we were engaged in defending ourselves from the Indians on the eminence, some fifteen or twenty of the Caddo tribe had succeeded in getting under the bank of the stream, in our rear, at about forty yards' distance, and opened a fire upon us which wounded Matthew Doyle, the ball entering the left breast, and going out at the back. As soon as he

cried out he was wounded, Thomas M'Caslin hastened to the spot where he fell, and exclaimed, 'Where is the Indian that shot Doyle?' He was warned by a more experienced hand not to venture there, as from the report of the Indians' guns they must be riflemen. At that instant they discovered an Indian, and M'Caslin was in the act of raising his piece when he was shot through the centre of his body, and expired. Robert Armstrong called out for the Indian that shot M'Caslin, and exposing himself in the same place, was fired at, and part of his gun-stock cut off. During this time our enemies had formed a complete circle around us, occupying the points of rocks, scattered trees, and bushes.

"Finding our situation too much exposed among the trees, we were obliged to leave it and take to the thickets. The first thing necessary was to dislodge the riflemen from under the bank of the stream, who were within point-blank shot. This we succeeded in, by shooting the most of them through the head, as we had the advantage of seeing them when they could not see us.

"The road we had cut round the thicket the night previous gave us a fair view of our enemy in the prairie, while we were completely hid. We baffled their shots by moving six or eight feet the moment we fired, as their only mark was the smoke of our guns. * * * They discovered that we were not to be dislodged, and perceived the uncertainty of killing us at random shot—they suffering very much from the fire of our rifles, which brought half-a-dozen down at every round. They determined, therefore, to put fire to the dry grass of the prairie, for the double purpose of routing us from our position, and, under cover of the smoke, carrying off their dead and wounded. The wind was blowing from the west, and they placed the fire in that quarter, where it burnt down all the grass to the stream, and bore off to the

right and left, leaving around our position a space of about five acres untouched. Under cover of the smoke, a portion of the Indian dead and wounded were removed, while our party were engaged in scraping away the dry grass and leaves from our wounded men and baggage, and in piling up stones and bushes to serve as a breastwork.

"The attempt to rout us out by fire having failed, the Indians re-occupied the points of rocks and trees in the prairie, and commenced another attack. The firing continued for some time, when the wind suddenly shifted to the north, and blew very hard. We now ascertained our dangerous situation, should the enemy succeed in setting fire to the small spot we occupied, and we kept a strict watch all round. The two servant boys were employed in clearing away the dry grass and leaves from around the baggage, and heaping up fragments of rock around the wounded men. The remainder of the party were warmly engaged with the enemy. The point from which the wind blew being favourable to fire our position, an Indian succeeded in crawling down the stream, and putting fire to the grass that had not yet been burnt. Before he could rejoin his party he was shot by Robert Armstrong.

"At this time we saw no hope of escape. The fire was coming rapidly down before the wind, flaming ten feet high, and rolling directly towards the spot we occupied. What was to be done? We must either be burnt up alive, or driven into the prairie amongst the savages. This encouraged the Indians; and, to make it more awful, their shouts and yells rent the air, while they fired upon us about twenty shots a minute. As soon as the smoke concealed us, we collected together and held a consultation. Our first impression was that they might rush on us under cover of the smoke, as we could make but one effectual fire—the sparks flying about so thickly that no man could open his powder-horn without run-

ning the risk of being blown up. However, we determined, in the event of their charging us, to give them one volley, place our backs together, draw our knives, and fight them as long as one of us was left alive. The next consideration was, should they not charge us, and we retain our position, we must be burnt up. It was decided that each man should take care of himself as well as he could, until the fire arrived at the ring around our baggage and wounded men, and there we should try to smother it with buffalo robes, bear-skins, deer-skins, and blankets. This, after a great deal of exertion, we succeeded in doing.

"Our thicket being so much burnt and scorched that it afforded us little or no shelter, we all got into the ring that encompassed the wounded and baggage, building the breast-work higher, with loose rocks from the inside, and earth, dug up with our knives and sticks. It was now sun-down, and we had been warmly engaged with the Indians since sunrise, a period of thirteen hours; and they, seeing us still alive and ready for fight, drew off at a distance of three hundred yards, and encamped for the night."

The party continued to fortify their position, and procured a supply of water, in expectation of another attack; but the Indians, whose loss in killed and wounded amounted, according to an account derived from some Comanches, to no less than eighty-two, did not venture to assail them again. After remaining on the ground eight days, to recruit the wounded men and horses, the expedition returned to San Antonio de Bexar, where it "arrived in good order, having sustained a loss of one man killed and three wounded, and five horses killed and three wounded."

It was with the brothers Bowie, of the preceding

narrative, that the weapon which bears their name originated. The first "Bowie-knife" was made by Razin P. Bowie, in the parish of Avoyelles, in the State of Louisiana, as a hunting-knife, for which purpose exclusively it was used by him for many years. The length of the original knife was nine and a quarter inches, its width one and a half, with a single edge and straight blade. In reply to some newspaper inventions, Razin Bowie published, in 1838, the following statement of facts, in reference to the introduction of this formidable but barbarous instrument in personal combat.

"Colonel James Bowie had been shot by an individual with whom he was at variance; and as I presumed that a second attempt would be made by the same person to take his life, I gave him the knife, to be used as occasion might require, as a defensive weapon. Some time afterwards (and the only time the knife was ever used for any other purpose than that for which it was originally destined) it was resorted to by Colonel James Bowie, in a chance medley or rough fight between himself and certain other individuals to whom he was then inimical, and the knife was used only as a defensive weapon, and not till he had been shot down; it was the means of saving his life. The improvement in its fabrication, and the state of perfection which it has since acquired from experienced cutlers, were not brought about through my agency. I would here assert also, that neither Colonel James Bowie nor myself at any period of our lives, ever had a duel with any person whatsoever."

On the 3rd of November, the Consultation of Texas, composed of seven delegates from each municipality, assembled in General Convention at San Felipe de Austin, and chose Branch T. Archer president, who in an

opening address, invited the attention of the members to the measures required for the credit and safety of the people—the adoption of a Declaration, setting forth the reasons which had impelled Texas to take up arms, and the objects for which she contended—the establishment of a Provisional Government, with the election of a Governor, Lieutenant-Governor, and Council, clothed with legislative and executive powers, and the organization and support of the military. The President called upon the members of the Consultation to divest themselves of every party feeling, to discard every selfish motive, and look alone to the welfare of the country. He recommended the union of the Legislative and Executive powers in the Governor, Lieut.-Governor, and Council, as absolutely necessary to prevent Texas from falling into anarchy. In providing for the wants of the army, he urged the adoption of a code of military laws as indispensable. Without discipline and order in the ranks, their armies would be mere mobs, more dangerous to themselves than to their adversaries, and liable at all times to be routed or cut to pieces by a handful of regulars. He knew the men that were in the field: there never was better material for soldiers, but without discipline they could achieve nothing. Funds, he observed, were necessary to establish the contemplated government, and to prosecute the war; it would, therefore, be their duty to elect financial agents. It would be expedient likewise to make some arrangements with the North-Eastern Indians, and to secure to volunteers from the United States their land "in headright," and to place them on an equal footing with the most favoured citizens. The fraudulent sales, or

grants, of land by the late government of Coahuila and Texas would require attention, and the establishment of mails and an Express Department was essential to the public interests. The President concluded by observing that he did not view the cause in which they were engaged as that of freemen fighting alone against military despotism—he did not view it as Texas battling alone for her rights and liberties; he regarded it in a nobler and more exalted light—as the great work of laying the corner-stone of liberty in the Mexican Republic.

After a vote of thanks to the General Council for the faithful and able discharge of their arduous duties, the President was empowered by the Consultation to appoint a Committee of twelve, composed of one member from each jurisdiction, to frame a Declaration, setting forth to the world the causes that impelled them to take up arms, and the objects for which they contended. This Declaration was reported on the 7th of November, and stated that the people of Texas had armed in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the Federal Constitution of Mexico of 1824,* to which they continued faithful. The words "republican principles" were introduced for the purpose of signifying their dissent from certain provisions of the Mexican Constitution, deemed by them anti-republican. The principle of these was the article for the support of the Catholic religion to the exclusion of all other forms of belief,

* For the Declaration and Plan of the Provisional Government, see Appendix No. IV.

a reservation deemed by some impolitic, as it might tend to alienate the Mexican Federalists, whose co-operation they invoked. On the 12th, the Consultation chose Henry Smith Governor, with complete and ample executive power, and Jas. W. Robinson Lieutenant-Governor. On the 13th, the Committee of three, to whom the duty had been assigned, presented the Plan of a Provisional Government, which was adopted; and on the 16th, the Governor's first Message was addressed to "The Honourable the President and Members of the Legislative Council of all Texas."

In this document, Governor Smith, after craving indulgence for himself, admonished the Council to contemplate the dangers to be encountered, the obstacles to be surmounted or removed, and to decline the task allotted to them, or enter upon it with a fixed determination faithfully and fearlessly to execute their duties. These duties were of no common order. They had to call system from chaos—to start the wheels of government, which were clogged and impeded by conflicting interests, and to sustain an army in the field, contending against a powerful foe, without funds or the munitions of war. As measures of practical necessity or advantage, he recommended the selection of qualified agents to purchase artillery and military stores; the organization of a corps of frontier rangers and an engineer corps; the granting of letters of marque and reprisal; liberal appropriations for foreign volunteers; an amicable adjustment with the North-Eastern Indians; the employment of special financial agents; the establishment of a tariff of duties, with officers of reve-

nue; the erection of a Post-Office Department;* the organization of the militia and the civil jurisdictions, with some arrangements of minor importance, which became subjects of consideration and provision by the Legislative Council, for the various branches of public affairs, who appointed Committees, nominated judges, and passed a decree for raising a force of 1,120 regular troops, to serve for two years or during the war.*

The Texan army, which had encamped on the 28th of October at the Mission of the Conception, having received reinforcements, advanced close to Bexar in the beginning of November. General Cos, expecting troops from the interior, and afraid to hazard an engagement, prepared to defend the town by barricading the streets, planting cannon on the top of the church, and resorting to such other means of fortifying his position as were at his command.

On the 3rd of November, a detachment of fifty men from Goliad, under Adjutant Westover, attacked and entered Lipantitlan, near San Patricio, the garrison of which (in number twenty-one) surrendered, and were liberated on parole not to bear arms against the Colonists during the war. The place contained two small pieces of ordnance, which had been forcibly taken from the citizens of San Patricio. Having retained posses-

* An advertisement, dated November 21st, 1835, and headed "General Post-Office," was published by the Postmaster-General of Texas, notifying that he was authorised to receive sealed proposals for carrying the mail on six different routes, commencing on the 1st day of January, 1836, and ending on the 31st of December following.

* For a list of the Ordinances and Decrees of the Provisional Government of Texas, see Appendix, No. VIII.

sion of the village until the evening of the 4th, when about one-half of their number had crossed the river on their return to Goliad, the Texans were apprised of the approach of a party of above seventy hostile Mexicans. An action ensued, which lasted about half an hour, when the Mexicans retreated with a loss of twenty-eight in killed, wounded, and missing. One Texan wounded in the hand was the only injury sustained by the party.

On the 8th, another slight engagement, called in Texas the "Grass Fight," took place between detachments of the contending forces. A party of forty Colonists was ordered to intercept some Mexican soldiers, commissioned by Cos to burn the prairie grass for thirty or forty miles around San Antonio. The party had only proceeded three or four miles, when one of their number was killed by a fall from his horse. A detachment of twenty-seven men, sent from the camp to bring in the body, was attacked by 160 of the Morelos Lancers. Retiring to a ravine, they opened a fire on the cavalry, which compelled them to retreat with the loss of five killed and several wounded. One Texan was slightly wounded. Another skirmish occurred on the 26th, near Bexar, between nearly equal number of Colonists and Centralists—about 300 on each side. The latter, although advantageously posted under cover of some timber, were driven back to the fort with considerable loss. The Texans continued the pursuit until they were fired upon by the cannon at Bexar.

Stephen Austin, B. T. Archer, and W. H. Wharton having been appointed, by the Consultation at San Felipe, Commissioners to the United States, to act under

the advice and instruction of the Provisional Government, intimation to that effect was conveyed to General Austin, then with the army, who arrived at San Felipe on the 29th of November, to undertake the duties of the appointment. Edward Burleson, elected by the volunteers composing the army of the chief command, was left to conduct the siege at Bexar. The Consultation, with only one dissenting voice, had chosen Samuel Houston Major-General and Commander-in-Chief of the Regular Army of Texas. After receiving his commission, General Houston had established his headquarters at Washington, on the Brazos. On the 30th of November, Mr. Austin formally reported his arrival at San Felipe to the Provisional Government, and his readiness to serve the country in the new station to which he had been called by the representatives of the people. The Report supplies an interesting summary of events both in Mexico and Texas, and affords a temperate exposition of the feelings and circumstances of the Colonists, as affected by the decree of the 3rd of October which abolished the State Legislatures.

"I have the satisfaction to say, that the patriotism which drew together the gallant volunteers now in service before Bexar and fort Goliad is unabated. They left all the comforts and endearments of home to defend their Constitutional rights, and the republican principles of the Federal System and Constitution of 1824, and the vested rights of Texas under the law of the 7th of May of that year. Their basis is the Constitution and the Federal System. But should these be destroyed in Mexico, and the decree of the 3rd of October last, passed by the Central party, (a copy of which is herewith presented,) be carried into effect, and a Central and despotic

government established, where all the authority is to be concentrated in one person, or in a few persons, in the city of Mexico, sustained by military and ecclesiastical power; the volunteer army will also, in that event, do their duty to their country, to the cause of liberty, and to themselves—as honour, patriotism, and the first law of nature may require.

"That every people have the right to change their government, is unquestionable; but it is equally certain and true, that this change, to be morally or politically obligatory, must be effected by the free expression of the will of the community, and by legal and constitutional means; for otherwise the stability of governments and the rights of the people would be at the mercy of fortunate revolutionists—of violence or faction.

"Admitting, therefore, that a Central and despotic, or *strong* government, is best adapted to the education and habits of a portion of the Mexican people, and that they wish it; this does not, and cannot, give to them the right to dictate by uncontsitutional means and force, to the other portion, who have equal rights, and differ in opinion.

"Had the change been effected by constitutional means, or had a National Convention been convened, and every member of the confederacy been fairly represented, and a majority agreed to the change, it would have placed the matter on different ground; but, even then, it would be monstrous to admit the principle, that the majority have the right to destroy the minority, for the reason that self-preservation is superior to all political obligations. That such a government as is contemplated by the before-mentioned decree of the 3rd of October, would destroy the people of Texas, must be evident to all, when they consider its geographical situation, so remote from the contemplated centre of legislation and power; populated as it is by a people who are so different in education,

habits, customs, language, and local wants, from all the rest of the nation; and, especially, when a portion of the Central party have manifested violent religious and other prejudices and jealousies against them. But no National Convention was convened, and the Constitution has been, and now is, violated and disregarded.

"The Constitutional Authorities of the State of Coahuila and Texas solemnly protested against the change of government, for which act they were driven by military force from office and imprisoned. The people of Texas protested against it, as they had a right to do, for which they have been declared rebels by the government in Mexico.

"However necessary, then, the basis established by the decree of the 3rd of October may be to prevent civil wars and anarchy in other parts of Mexico, it is attempted to be effected by force and unconstitutional means. However beneficial it may be to some parts of Mexico, it would be ruinous to Texas. This view presents the whole subject to the people. If they submit to a forcible and unconstitutional destruction of the social compact which they have sworn to support, they violate their oaths. If they submit to be tamely destroyed, they disregard their duty to themselves, and violate the first law which God has stamped upon the heart of man, civilised or savage—which is the law or the right of self-preservation.

"The decree of the 3rd of October, therefore, if carried into effect, evidently leaves no remedy for Texas but resistance, secession from Mexico, and a direct resort to natural rights.

"Such I believe to be the view which the volunteer army, late under my command, has taken of this subject; and such, in substance, the principles it is defending, and will defend. That they are sound and just, and merit the approbation of all nations, I sincerely and conscientiously believe.

"It may be out of place to speak of myself in such a communication as this, but I deem it right to say that I have faithfully laboured for years to unite Texas permanently to the Mexican Confederation, by separating its local government and internal administration, so far as practicable, from every other part of Mexico, and placing it in the hands of the people of Texas, who are certainly best acquainted with their local wants, and could best harmonise in legislating for them. There was but one way to effect this union, with any hope of permanency or harmony, which was by erecting Texas into a State of the Mexican Confederation. Sound policy, and the true interest of the Mexican Republic, evidently required that this should be done.

"The people of Texas desired it; and if proofs were wanting (but they are not) of their fidelity to their obligations as Mexican citizens, this effort to erect Texas into a State affords one which is conclusive to every man of judgment who knows anything about this country; for all such are convinced that Texas could not, and would not, remain united to Mexico without the right of self-government as a separate State.

"The object of the Texans, therefore, in wishing a separation from Coahuila, and the erection of their country into a State, was to avoid a total separation from Mexico by a revolution. Neither Coahuila, nor any other portion of the Mexican nation, can legislate on the internal affairs of Texas: it is impossible. This country must either be a State of the Mexican Confederation, or must separate *in toto*, as an independent community, or seek protection from some power that recognises the principles of self-government. I can see no remedy between one of these three positions and total ruin.

"I must particularly call the attention of the Provisional Government to the Volunteer Army now in the field. That their services have been, and now are, in the highest degree

useful and important to Texas, is very evident. Had this army never crossed the Guadalupe,—a movement which some have condemned,—the war would have been carried by the Centralists into the colonies, and the settlements on the Guadalupe and La Baca would probably have suffered, and perhaps have been broken up. The town of Gonzalez had already been attacked, and many of the settlers were about to remove.

"What effect such a state of things would have had upon the moral standing and prospects of the country, although a matter of opinion, is worthy of mature consideration; more especially when it is considered that, at the time, the opinions of many were vacillating and unsettled, and much division prevailed. The Volunteer Army have also paralysed the force of General Cos, so that it is shut up within the fortifications of Bexar, incapable of any hostile movements whatever outside of the walls, and must shortly surrender or be annihilated. The enemy has been beaten in every contest and skirmish, which has proved the superiority of the volunteers, and given confidence to every one. Our undisciplined volunteers, but few of whom were ever in the field before, have acquired some experience, and much confidence in each other and in themselves, and are much better prepared for organization, and to meet a formidable attack than they were before.

"The post at Goliad has been taken by the volunteers, and the enemy deprived of large supplies which were at that place, and of the facilities of procuring others by water, through the Port of Copano, which is also closed upon them by the occupation of Goliad. The enemy has been driven from the river Nueces by a detachment of the volunteers who garrison Goliad, and by the patriotic sons of Ireland from Power's colony. More than one hundred of the enemy, including many officers, have been killed; a great many have been wounded, others have deserted, and a valuable piece of brass

cannon, a six-pounder, has been taken, and another preserved (the one that was at Gonzalez) from falling into the hands of the enemy. Three hundred head of horses have been taken, and the resources for sustaining an army in Bexar are all destroyed or exhausted, so that an enemy in that place is at this time more than three hundred miles from any supplies of bread-stuff, and many other necessary articles. All this has been effected by the Volunteer Army in a little more than one month, and with the loss of only one man killed in battle, and one wounded, (who has nearly recovered,) before Bexar; one wounded at Goliad, and one at Lipantitlan, on the Nueces. In short, the moral and political influence of the campaign is equally beneficial to Texas and to the sacred cause of the Constitution and of liberty, and honourable to the Volunteer Army. This army is composed, principally, of the most intelligent, respectable, and wealthy citizens of the country; and of volunteers from Louisiana and Alabama—men who have taken up arms from principle, from a sense of duty, and from the purest motives of patriotism and philanthropy. They have bravely sustained the rights of Texas and the cause of Mexican liberty, and patiently borne the exposure and fatigue of a winter's campaign during the most inclement, wet, and cold spell of weather known in this country for many years. The most of them are men of families, whose loss would have made a fearful void in our thin community. They might have been precipitated upon the fortifications of Bexar, which were defended by seven or eight hundred men and a number of cannon, and taken the place by storm, against superior numbers; and Texas might, and in all probability would, have been covered with mourning in the hour of victory. On consultation with the officers in councils of war, it was deemed most prudent not to hazard so much in the commencement of the contest, when a disaster would have been

so materially injurious; and the system was adopted of wasting away the resources, and spirits, and numbers of the enemy by a siege, the ultimate success of which appeared to be certain, without any serious hazard on our part. That the fall of Bexar within a short time, and with a very little loss, will be the result, I have no doubt.

"I consider the Volunteer Army to be the main hope of Texas at this time, and until a regular army can be organised; and I recommend that it be sustained and provided for in the most effectual and efficient manner.

"Before closing this communication, I deem it to be my duty to recommend to the consideration of the Provisional Government the situation of the inhabitants of Bexar and Goliad. The necessary and indispensable operations of the war have compelled the army to make use of a considerable amount of their property, particularly corn and beef cattle. So soon as circumstances will permit, I respectfully recommend, that some system be adopted to ascertain the amount of property thus used, and to provide for a just compensation. This recommendation also extends to horses or other property lost by the Volunteers.

"I will present to the government another Report, on a special subject of importance."

The Report alluded to at the close of the preceding document was transmitted by Mr. Austin to the Provisional Government on the 2nd of December. It related to the preparations then in progress by the Centralists for the invasion of Texas, and the consequent necessity of calling a new Convention.

"At the time of the former elections, the people did not and could not fully understand their true situation; for it was not known then, to a certainty, what changes would take place

in Mexico, what kind of government would be established, or what course would be pursued towards Texas. It was only known then that the Central party was in power, that all its measures tended to the destruction of the Federal System, and that preparations were making to invade Texas.

"But, at the present time, the people know that the government is changed—that Centralism is established by the decree of the 3rd of October last, and that they are threatened with annihilation. In short, the whole picture is now clearly before their view, and they see the dangers that are hanging over them. Can these dangers be averted by a provisional organization, which is based upon a declaration that is equivocal, and liable to different constructions? Does not the situation of the country require a more fixed and stable state of things? In short, is it not necessary that Texas should now say in plain, and positive, and unequivocal language, what is the position she occupies, and will occupy: and can such a declaration be made without a new and direct resort to the people, by calling, as speedily as possible, a Convention, with plenary powers, based upon the principle of equal representation in proportion to the population?

"These are questions of the most vital importance. I respectfully submit them to the calm deliberation of the Provisional Government, in the full confidence that all the attention will be given to the subject which its importance merits.

"Without expressing any individual opinion of my own, as to the time or day when the new election ought to take place, which would, perhaps, be indecorous in such a communication as this, the object of which is to lay facts before the Provisional Government, I deem it to be my duty to say, that so far as I could judge of the opinions and wishes of the citizens who were in the Volunteer Army when I left

them on the 25th ult., they were in favour of an *immediate* election of a Convention, with plenary power."

The Consultation which had established the Provisional Government for Texas had adjourned until the 1st of March, to be convened sooner at the discretion of the Governor and Council, whom they authorised to advise a new election of delegates with ampler powers than they possessed. It was the opinion of many that the functions of the Consultation should have ceased with the occasion of its meeting, it being intended rather to act as a General Council, under a great emergency, than as a legislative body. The representation of the different municipalities, although the best, according to circumstances at the time of ordering the election, was unsatisfactory—the number of delegates not being proportioned to the amount of population in the several jurisdictions. The Consultation was chosen, too, at a period when the country was distracted by conflicting opinions—some disbelieving that the Federal System was destroyed, or had even been attacked—others, moved by intemperate zeal, clamouring for independence—the majority being decidedly in favour of declaring, in clear and unequivocal terms, for the Constitution of 1824. For these reasons, rendered weightier by the very critical situation of public affairs, did the Colonists desire the election of a new Convention, with plenary powers. With the overthrow of the Federal Constitution, the struggle had assumed a more solemn aspect. To the people of Texas it was no longer a question of forms of government, but of life or death.

The first to forewarn and the last to inflame, Stephen Austin, true to his inherited trust, discerned the gathering of the thunder-cloud beyond the Rio Grande, and gave timely intimation to those over whose dwellings and fields it was destined to spread havoc and desolation.

CHAPTER XI.

Siege of Bexar—Impatience of the Colonists—Mexican Deserter—Resolution of Milam and others—Entrance of a Storming Party into Bexar—Death of Milam, and Surrender of General Cos—Landing of Mexia at Tampico—Resolution of the Provisional Government for assembling a Convention—Measures of Defence—Proclamation by General Houston—Indian Mission—Operation of the Militia System in the United States—Indian Encroachments—Volunteers—Opinions respecting a Declaration of Independence.

THE "Federal Volunteer Army of Texas" had marched to the siege of Bexar at the close of the finest month of the Texan year. Their spirits were animated by occasional successes, and the hope of reducing the strongest post in the country, and thereby terminating the campaign, and ridding themselves of the detested military, sustained them under many hardships and privations. But, unaccustomed to the restraints of a camp —impatient of a protracted siege—their term of volunteer service exceeded, and their families anxious for their return—December, with its fitful northers and drenching rains, was about to find them unprovided with winter clothing, suffering from insufficient food, and with no immediate prospect of accomplishing their vaunted enterprise.

As an inducement to prosecute the siege, the Provisional Government had promised twenty dollars to each man who would remain with the army until its close. To many, however, this must have appeared a poor equivalent for absence from their homes. Numbers

departed daily, and but few arrived; and it was necessary to devise some extraordinary plan for keeping a sufficient force together. At a general parade an appeal was made to the patriotism of the volunteers, and such as were willing to testify their devotion to the cause by serving for thirty days longer, or until Bexar was taken, were requested to signify their disposition by advancing in front of the line. The expected demonstration was nearly universal; but the men, wearied with idly gazing at the walls of the beleaguered town, importuned the general to order an immediate assault. One day, and then another, were successively named for indulging their ardour, but nothing was done; and, on the evening of the 4th of December, the order was given to break up the camp and retire into winter quarters.

It happened on the eve of their intended dispersion that the Texans were informed by a Mexican deserter that a number of the soldiers in Bexar were disaffected to Santa Anna and the Centralists, and that it would not be difficult to capture the place. But this doubtful intelligence was a slight counterpoise to the obvious perils of the undertaking. Almost every house in San Antonio de Bexar was in itself a little fort, being built of stone, with walls about three feet and a half in thickness. The approaches to the public square had been strongly fortified with breast-works, trenches, and palisadoes, protected by artillery; cannon were also planted on the roof of the old church in the square, which commanded the town and its environs. Both the town and the enclosure called the Alamo were defended by artillery, and there was a formidable number of regular troops in the garrison; while the whole Volunteer Army

only amounted to about 500 men, and these, with very few exceptions, strangers to discipline.

With these heavy odds against them, Benjamin R. Milam and some officers held a meeting, and resolved to beat up for volunteers to attack San Antonio. They succeeded in mustering a party of about 300, who chose the war-worn Milam for their leader. The plan he adopted was a judicious combination of the veteran's skill and the volunteer's daring, and showed his thorough knowledge of the materials with which he had to work.

The town was in the form of an oblong square, and lay on the south-western bank of the San Antonio River. Communicating with it by two small bridges, and nearly opposite, on the north-eastern side of the river, was the fort or, rather, walled enclosure, of the Alamo. Westward of the town was the camp of the volunteers. Directing Colonel Neil to divert the attention of the Mexicans by making a feint upon the Alamo, Milam prepared to effect a lodgment in the town. At three o'clock in the morning of the 5th of December, Neil, taking a sweeping course by the sources of the San Antonio, commenced, with a piece of artillery, a fire upon the Alamo; while Milam, having provided his followers with crow-bars and other forcing implements, made an entrance into the suburbs, beyond the range of the Mexican fortifications. Apprised of Milam's advance by the firing which followed it, Neil retraced his steps and returned with his party to the camp at 9 A. M.

On the 6th, a despatch dated from the "Camp before Bexar," and signed by B. R. Milam and Edward Burle-

son, was forwarded to the President of the Provisional Government at San Felipe, with the following information and demand:

"Yesterday morning, at day-light, or rather some twenty minutes before, Colonel Milam, with a party of about 300 Volunteers, made an assault upon the town of Bexar. His party he distributed in two divisions, which, on entering the town, took possession of two buildings near each other—near the place where they have been ever since battling with the enemy. They have so far had a fierce contest, the enemy offering a strong and obstinate resistance. The houses occupied by us command some of the cannon in the place, or have silenced them entirely, as it is reported to us. *The issue is doubtful, of course.* Ugartechea is on the way, with considerable reinforcements; how near has not yet been exactly ascertained; but, certainly, he is not more than from fifty to sixty miles off. This express has been despatched for an immediate supply of ammunition, as much powder and lead as can possibly be sent instantly. Of the first-mentioned article, there is none beyond the cannon cartridges already made up. I hope that good mules, or horses, will be procured to send on these articles with the greatest possible speed, travelling night and day, for there is not a moment to be lost. Reinforcements of men are, perhaps, indispensable to our salvation. I hope every exertion will be made to force them to our relief immediately."

In an address to the people of Texas, by a Special Committee of the General Council, dated San Felipe, December 10th, urging them to speed to the relief of the army before Bexar, it is stated that contractors had been despatched in different directions, and supplies and ammunition were on their way to the camp. J. W. Fannin and T. J. Rusk were appointed by the Council

to proceed respectively east and west of the Trinity, for the purpose of collecting reinforcements and enrolling them for service thirty days, to aid in the reduction of Bexar. Before, however, the Council had time even to convey a reply to Colonel Milam's hurried communication, the bravery of the Volunteers had enabled them to dispense with further assistance.

When the Volunteers advanced against the town, the Commander-in-Chief, General Burleson, formed all the reserve, with the exception of the guard requisite to protect the camp, and held himself in readiness to assist, should occasion arise. He also sent out parties to scour the country, and endeavor to intercept Ugartechea, who ultimately effected an entry into the Alamo with 300 men. During the period of the attack on the town, he despatched Captains Cheshire, Sutherland and Lewis, with their companies, to reinforce Colonel Johnson—who commanded the second division of the storming party—and retained another reserve in readiness to co-operate, if required.

On entering the suburbs of Bexar, the first division under the immediate command of Milam, and supported by two pieces of cannon and fifteen artillerymen, took possession of the house of Don Antonio de la Garza. The second division, under Johnson, forced its way into the dwelling of a Mexican, named Berimendi, amidst a heavy discharge of grape-shot and musquetry.

"At seven o'clock," says the official report of Colonel Johnson, "a heavy cannonading from the town was seconded by a well-directed fire from the Alamo, which for a time prevented the possibility of covering our lines, or effecting a safe

communication between the two divisions. In consequence of the twelve-pounder having been dismounted, and the want of proper cover for the other gun, little execution was done by our artillery during the day. We were, therefore, reduced to a close and well-directed fire from our rifles; which, notwithstanding the advantageous position of the enemy, obliged them to slacken their fire, and several times to abandon their artillery within the range of our shot. Our loss during the day was one private killed; one colonel and one first-lieutenant severely wounded; one colonel slightly, three privates dangerously, six severely, and three slightly. During the whole of the night (of the 5th) the two divisions were occupied in strengthening their positions, opening trenches, and effecting a safe communication, although exposed to a heavy cross-fire from the enemy, which slackened towards morning. I may remark that the want of proper tools rendered this undertaking doubly arduous.

"At day-light of the 6th the enemy were observed to have occupied the tops of the houses in our front, where, under cover of breast-works, they opened through loop-holes a very brisk fire of small arms on our whole line, followed by a steady cannonading from the town, in front, and from the Alamo on the left flank, with few interruptions during the day. A detachment of Captain Crane's company, under Lieutenant W. McDonald, followed by others, gallantly possessed themselves, under a severe fire, of the house to the right, and in advance of the first division, which considerably extended our line; while the rest of the army was occupied in returning the enemy's fire and strengthening our trenches, which enabled our artillery to do some execution, and complete a safe communication from right to left. Our loss this day amounted to three privates severely wounded and two slightly. During the night the fire from the enemy was

inconsiderable, and our people were occupied in making and filling sand bags, and otherwise strengthening our lines.

"At day-light on the 7th it was discovered that the enemy had, during the night previous, opened a trench on the Alamo side of the river, and on the left flank, as well as strengthened their battery on the cross street leading to the Alamo. From the first, they opened a brisk fire of small arms; from the last, a heavy cannonade, as well as small arms, which was kept up until eleven o'clock, when they were silenced by our superior fire. About twelve o'clock Henry Karnes, of Captain York's company, exposed to a heavy fire from the enemy, gallantly advanced to a house in front of the first division; and, with a crow-bar, forced an entrance, through which the whole company immediately followed him, and made a secure lodgment. In the evening, the enemy renewed a heavy fire from all the positions which could bear upon us, and at about half-past three o'clock, as our gallant commander, Colonel Milam, was passing into the yard of my position (the house of Berimendi) he received a rifle shot in the head, which caused his instant death—an irreparable loss at so critical a moment.* Our casualties otherwise, during this day, were only two privates slightly wounded.

"At a meeting of officers, held at seven o'clock, I was invested with the chief command, with Major Morris as my second. Captains Llewellyn, English, Crane, and Landrum,

* Milam was buried in the doorway of Berimendi's house, within six feet of the place where he fell, without a stone to mark the spot. It was resolved by the Provisional Government that the President, officers, and members of the General Council of Texas, should "in testimony of heartfelt sorrow and mourning for his death," wear crape upon the left arm for thirty days; and that the Governor, the officers of the Executive Department, the Commanding-General, and all the officers of the Army, should unite in wearing this symbol of regret.

with their respective companies, forced their way into, and took possession of, the house of Don J. Antonio Navarro, an advanced and important position close to the Square. The fire of the enemy became interrupted and slack during the whole night, and the weather exceedingly cold and wet.

"The morning of the 8th continued cold and wet, and but little firing on either side. At nine o'clock, the same companies who took possession of Don J. Antonio Navarro's house, aided by a detachment of the Grays, advanced and occupied the Zambrano Row, leading to the Square, without any accident. The brave conduct on this occasion of William Graham, of Cook's company of Grays, merits mention. A heavy fire of artillery and small arms was opened on this position by the enemy, who disputed every inch of ground, and after suffering a severe loss in officers and men, were obliged to retire from room to room, until they evacuated the whole building. During this time, our men were reinforced by a detachment from York's company, under the command of Lieutenant Gill. The cannonading was exceedingly heavy from all quarters during the day, but did no essential damage. Our loss consisted of one captain seriously wounded and two privates severely. At seven o'clock, P.M., the party in Zambrano's Row were reinforced by Captains Swisher, Alley, Edwards, and Duncan, and their respective companies.*

"This evening we had undoubted information of the arrival of a strong reinforcement to the enemy, under Colonel Ugartechea. At half-past ten o'clock, P.M., Captains Cook and Patton, with the company of New Orlean's Grays and a company of Brazoria Volunteers, forced their way into the Priest's

* On the evening of the 8th, a party from the Alamo, of about fifty men, passed up in front of the Texan camp and opened a fire; but without effect, returning precipitately before the play of a six-pounder.—*General Burleson's Despatch to the Provisional Governor of Texas.*

house in the Square, although exposed to the fire of a battery of three guns and a large body of musqueteers. Before this, however, the division was reinforced from the reserve by Captains Cheshire, Lewis, and Sutherland, and their companies.

"Immediately after we got possession of the Priest's house, the enemy opened a furious cannonade from all their batteries, accompanied by incessant volleys of small arms, against every house in our possession, and every part of our lines, which continued unceasingly until half-past six o'clock, A.M., of the 9th, when they sent a flag of truce, with an intimation that they desired to capitulate. Our loss in this night's attack, consisted of one man only, dangerously wounded, while in the act of spiking a cannon."

The loss of the Colonists was trifling, but that of the Mexicans, of which I have been unable to procure a return, must have been severe,* as the rifle brought them down as often as they showed their faces at a loop-hole. The Texans advanced by breaking a passage through the stone walls of the houses, and throwing up a ditch where they were otherwise unprotected, while every street was raked by the enemy's artillery. Their entrance into the Square decided the contest, as it exposed the bulk of the garrison to their deadly fire. Of this the Mexicans proved themselves conscious by surrendering, before the the occupants of the Priest's house had the benefit of day-light for rifle practice. During the four days of the assault, a black and red flag, in token of no quarter, had been waving at the Alamo.

* I have seen it estimated at 200 killed and 390 wounded, but this seems to be an exaggeration.

On the 11th of December, 1835, the Commissioners on each side met and agreed upon terms of capitulation, which were ratified and approved by the respective Commanders-in-Chief, Generals Burleson and Cos. The former deemed the terms highly favourable, considering the strong position and large force of the enemy, which could not be less than 1,300 effective men—1,101 having departed with General Cos, besides three companies and several small parties that separated from him, in consequence of the fourth article of the treaty, of which the following are the principal stipulations:—The retirement of General Cos and his officers, with their arms and private property, into the interior of the Republic; under parole of honour that they would not in any way oppose the re-establishment of the Federal Constitution of 1824. The retirement, with the General, of the 100 infantry, lately arrived with the convicts, the remnant of the battalion of Morelos and the cavalry; taking their arms and ten rounds of cartridges. The removal beyond the Rio Grande of the convicts brought in by Colonel Ugartechea. The troops to be free to follow their General, or to remain, or to go to such point as they might think proper; but, in case all or any of them separated, they were to have their arms, &c. All public property, money, arms and munitions of war, to be inventoried and delivered to General Burleson. All private property to be restored to its owners. In the remaining articles it was stipulated, that General Cos should remove within six days, and that, during the interval, he should occupy the Alamo, while the Texans occupied the town of Bexar. The citizens were to be protected in their persons and

property, nor was any person to be molested on account of political opinions previously expressed. The sick and wounded Mexicans were to be allowed to remain with a surgeon and attendants, and General Cos was to be furnished with provisions at ordinary prices, to maintain his troops to the Rio Grande.

On the morning of the 14th of December Cos removed from the Alamo to the Mission of Sa José, and, on the following day, he commenced his march for the Rio Grande, after complying with the provisions of the capitulation. A large quantity of military stores in the town and the fort was delivered to General Burleson, including nineteen pieces of ordnance and two swivel guns, several hundred stand of arms, with bayonets, lances, and an abundance of ammunition.

The first campaign of the Colonists, conducted under the banner of the Federal Constitution, was now ended. From the Sabine to the Rio Grande a Mexican soldier was no longer to be seen, with the exception of Cos and his discomfited followers. The garrison and town of San Antonio de Bexar were placed under the command of the active and resolute Johnson, with a sufficient number of men and officers to maintain his ground, in case of attack, until relieved from the settlements. The rest of the Volunteer Army were permitted to return to their homes. All had honorably established their claim to repose. They had toiled, and suffered, and fought, like men to whom the fairest fields and the brightest skies are valueless and cheerless, without the invigorating exercise of their constitutional rights. With the degenerate races of the South liberty was but a poetical abstraction—the catch-word of the intriguing

demagogue—the war-cry of the ambitious soldier: with the Anglo-Americans it was a substantial inheritance—dear to them as the memory of their ancestors—essential to their social progress as the air of heaven to their physical existence. It was the spirit of independence that stimulated the Northern husbandmen to turn their faces toward the sun of the Tropic, and sustained them amidst trials of which the pampered inhabitants of the cities of the old world can form no conception. The charter which had hitherto protected and encouraged the settlers—the Mexican Constitution of 1824—had been violated; the armed partisan had usurped the seat of the judge; drum-head decisions had been substituted for the awards of law, and the Colonists were left to choose between resistance with its danger and submission with its disgrace. They made their election with a full perception of the consequences it might involve, and staked life and land in defence of their chartered liberties. Their first essay in the field was astonishingly successful; and the storming of Bexar will rank among the most remarkable feats of chivalrous daring. To what did they owe their success? Not to the arts of professional soldiership, for of these they were ignorant; not to numerical strength, for they were comparatively few—ill-armed, ill-clad, and ill-fed. In their moral organization—in the proud sense of their superiority, as instructed freemen, over the puppets of ignorant and intolerant misrule, lay the secret of their triumphs.

On the 14th of December, twenty-eight persons, chiefly Americans, with a few naturalised British, French, and Germans, were shot, under sentence of a

court-martial, at Tampico. They and a number of others, amounting to about one hundred and thirty men, some of whom were in the secret, had embarked in a schooner at New Orleans on the 6th of November, supposing that their destination was Texas, where they would be at liberty to take up arms or not in defence of the country, when the Mexican General Mexia, the projector of the expedition, who was on board, altered the course of the vessel to Tampico ,and caused them, on being landed, to join in an attack on the town. The wreck of the vessel on the bar spoiled the ammunition: the result was defeat and capture; and although large sums of money were offered for ransom, the authorities were inexorable. Mexia, the Federalist leader of the party, escaped to Texas in a merchant vessel, which landed him at the Brazos.

The crisis which had arrived in the affairs of Texas had satisfied Stephen Austin that the people ought to form a Constitution and permanent Government without delay, in conformity with the Declaration of the 7th of November, especially with the 5th article, which proclaimed fidelity to the Mexican Government, so long as the nation was governed by the Constitution and laws. This step could only be taken by means of a Convention, elected on the basis of equality of representation. On the 11th of December, the Council of Government tendered their grateful respects, on behalf of themselves and their fellow-citizens, to General Austin, then about to depart for the United States, expressing their deep sense of his past sufferings and privations, while labouring in their cause and for their good, in the city of Mexico, and sympathising "in his afflictions and almost

broken constitution, consequent on a long and painful confinement for boldly standing up for the rights of Texas in the stronghold of her oppressor." On the same day, the Council published an appeal to the people of Mexico, justifying the course pursued by Texas, and inviting patriotic Mexicans to unite with them against the Centralists, "to sustain the Federal compact, restore the Federal System, and establish the liberties and happiness of their country." A Resolution for calling a Convention of Delegates of the people, with plenary powers, from each Municipality of the three Departments of Texas, to assemble on the 1st of March ensuing, at the town of Washington, was approved by the Governor on the 13th. The number of delegates apportioned to the different districts amounted in the aggregate to fifty-six, and the elections were to be held on the 1st of February, 1836.

The labours of the Provisional Government had obtained the approval of Mr. Austin, in whose opinion they had been directed by "the purest desire for the public good." So far as resources could be provided by legislative measures, their ordinances and decrees were well adapted to meet the public exigencies. They authorised Mr. Austin and his associate Commissioners to the United States to contract a loan of one million of dollars, on government bonds of 100,000 dollars each, redeemable in not less than five nor more than ten years, and bearing interest at ten per cent. per annum. In case this security should not be accepted, authority was given to pledge the public lands. To raise a revenue, import and tonnage duties were established, and the ports of Sabine, Galveston, Brazos, Matagorda, La Baca, and

Copano, created ports of entry. A law was passed for opening the several courts of justice, appointing clerks and district prosecutors, and defining their duties. Judges were appointed in their respective municipalities, and instructed to hold regular terms of the courts once in three months—the observance of the common law of England being prescribed in all prosecutions for crimes and misdemeanors. Authority was given for the purchase of two schooners of twelve guns each, and two of six guns each, to form the nucleus of a navy, to be commissioned, fitted out, and ordered into active service. The Commander-in-chief was empowered to accept the services of 5,000 Auxiliary, in addition to the local, Volunteers. To each volunteer, and, in the event of his death while in the service, to his legal representative, a bounty was secured of 640 acres of land. The soldiers in the regular army were offered a bounty of twenty-four dollars—one half to be paid when mustered at head-quarters, and the other half with the first quarterly payment, together with 800 acres of land, after obtaining an honorable discharge. It was likewise decreed to raise a legion of cavalry, to consist of about 300 men. The military and naval forces were to be subject to the same rules and regulations that governed the army and navy of the United States. From the house of M'Kinney and Williams, at Quintana, two schooners—the William Robins and the Invincible—were purchased for the service of Texas—the first practical step towards the formation of the miniature navy which was to rendezvous in the Bay of Galveston.

Samuel Houston, who had been appointed Major-General and Commander-in-Chief by the Consultation

at San Felipe, issued his first proclamation from Washington. He invited the citizens of Texas to rally in defence of their constitutional rights.

"Submission to the laws and union among ourselves"—said the General—"will render us invincible; subordination and discipline in our army will guarantee to us victory and renown. Our invader has sworn to exterminate us, or sweep us from the soil of Texas. He is vigilant in his work of oppression, and has ordered ten thousand men to enforce the unhallowed purposes of his ambition. His letters to his subalterns in Texas have been intercepted, and his plans for our destruction are disclosed. Departing from the chivalrous principles of civilised warfare, he has ordered arms to be distributed to a portion of our population, for the purpose of creating, in the midst of us, a servile war. The hopes of the usurper were inspired by a belief that the people of Texas were disunited and divided in opinion; and that alone has been the cause of the present invasion of our rights. He shall realise the fallacy of his hopes, in the union of her citizens, and their eternal resistance to his plans against Constitutional liberty. We will enjoy our birth-right or perish in its defence!

"The services of 5,000 Volunteers will be accepted. By the 1st of March next, we must meet the enemy with an army worthy of our cause, and which will reflect honour upon freemen. Our habitations must be defended; the sanctity of our hearths must be protected from pollution. Liberal Mexicans will unite with us; our countrymen in the field have presented an example worthy of imitation."

From Washington, General Houston proceeded westward to Refugio and Goliad. Having superintended the formation of a corps at the latter place, under

Colonel W. J. Fannin, he departed on furlough to Nacogdoches, to treat with the Indians in that neighbourhood. He had been appointed, conjointly with John Forbes and John Cameron, a Commissioner to negociate with the Cherokees and their associate bands. By a Resolution of the Legislative Council, passed on the 26th of December, the Commissioners were instructed "in no wise to transcend the declaration made by the Consultation of November, in any of their articles of treaty*—to pursue in all things a course of justice and equity towards the Indians, and to protect all honest claims of the whites, agreeably to such laws, compacts, or treaties, as the said Indians may have heretofore made with the Republic of Mexico—to provide that the Indians shall never alienate their lands, either separately or collectively, except to the Government of Texas," and to take such steps as might secure their effective co-operation when it should be necessary to summon the force of Texas into the field.

General Houston, from personal knowledge of the tribes, was peculiarly qualified to undertake the duties of an Indian Mission. Gifted with great natural abilities, and possessed of those physical advantages which command the respect of a rude race, united with versatile and persuasive manners, he only required a finished education to enable him to assume a leading position among popular orators. The favourite military pupil of General Jackson, he rose from the ranks of the

* I am unable to give the terms of the declaration, but I have seen it stated in a Texan journal, that the Consultation "hastily and inconsiderately" passed a declaration setting forth that the Cherokees held their lands in Texas by the same tenure as the whites.

United States army to be a representative in Congress for the State of Tennessee. Elected Governor of that State, he abdicated his office about the year 1828, and domiciliated himself among the Indians on the borders of Texas and Arkansas. He attained the rank of Chief among the Cherokees, and appeared in Indian costume at Washington, during the Session of Congress in 1829-30. These singular movements were not attributed to eccentricity merely;—it was said by some that he meditated, in conjunction with the Indians, an invasion of Texas; and General Jackson, having received information to that effect, although he expressed his firm belief that it was erroneous, conveyed private intimation to the Secretary of the Territory of Arkansas, to "watch the course of things, and keep him constantly advised of any movements that might serve to justify the suspicions that were entertained."* The rumoured expedition never took place, and the first public appearance of Mr. Houston in Texan affairs was as a delegate from the Municipality of San Augustine to the Consultation at San Felipe, in November, 1835.

I may here notice a phenomenon of the social system in the United States, the cause of which is yet a mystery to many, notwithstanding the numerous publications concerning North American affairs that have issued from the press. It is no uncommon circumstance for a man who is both a planter and a lawyer, or either, to take the command of troops, and distinguish himself in the field. Most of the leaders in the Texan revolt,

* Confidential Letter from President Jackson to William Fulton, Esq., Secretary of the territory of Arkansas, dated Washington, December 10th, 1830.

including Houston, Travis, T. J. Rusk, and others, united with their military duties the profession of the law. The militia service of the Union, especially in the new States, tends to make every man familiar with arms, and the general desire for political honours is an inducement to the acquisition of some portion of legal knowledge. The militia officers are elected by the privates, but the uniform and organization of the force are the same as those of the regular army, and, when called into active service, it is paid like the Federal troops. In the Atlantic States, where its services are very rarely required, its miscellaneous musters of mechanics and mercantile people, afford a fit subject for the caricaturist; but, in the frontier States, the mounted riflemen, composed of the robust yoemanry and officered by the ablest and most popular planters and professional men, many of whom have, perhaps, had a military education at West Point, form a description of force not to be surpassed in partisan warfare. The necessities of the State, or Federal Government frequently call them to the field, and occasionally keep them embodied for months, during which they acquire habits of discipline and subordination. Living in rustic independence, and inured to the hunter's life, they regard war as a superior kind of excitement, and are always ready for action at the summons of their country; while, to the younger men, ambition, or adventure, is a sufficient stimulus to arm and march. In Kentucky, especially, a favourite leader, with the means of defraying the essential charges of the expedition, could have no difficulty, at any time, in raising several thousand soldierly associates, to accompany him to a new country, where danger was

to be dared and glory to be won. And if the enterprise were supported by public opinion, it would ultimately be accomplished, although successive shoals of adventurers should perish in the attempt. The wave that broke ineffectually at first, would be followed by others, until, finally, all obstacles were undermined, or overwhelmed, by the still returning surge.

And the training of the Anglo-Americans, which qualifies them for extemporaneous war, eminently adapts them for cultivating and extending the arts of peace. An Englishman usually devotes himself to a single branch of mechanical or professional industry, in which, by his steadiness and assiduity, he excels all competitors. He manufactures, or directs, a specific portion of machinery with unequalled skill and unwearied diligence; but there his applicability stops. Transfer him to a different branch of the same general occupation, and he is like a fish out of water. He is bewildered—he "can't get on." Not so the American. Everything around him is new and changing, and he loves and accommodates himself to novelty and change. He is not pains-taking enough to finish off his particular task-work, in the style of his kinsman of the Old Country; but then he is competent to execute any portion of the business, at a pinch, and has always an eye to becoming, some day or other, superintendent of the whole, or embarking on his own account. If he build the ship, he does not despair of navigating her; at all events, he will not hesitate to try, when he has seen how others manage in the nautical line. It is the facility with which the Anglo-Americans mould themselves to

circumstances, whatever they may be, added to their habits of reflection and self-reliance, that accounts for their pre-eminence in colonization.*

The position of the Indians with whom General Houston was commissioned to treat, has been already explained. They were intruders from the United States, and so far as I have been able to ascertain, had only a possessory title to their lands. Encouraged by Cherokee example, several hundred Choctaw Indians passed from Natchitoches in 1832-3, and located themselves in the municipality of Nacogdoches, bringing with them the assurance that many more of their tribe contemplated a similar movement. In the treaty concluded at the city of Mexico in 1830, between the Mexican Republic and the United States, provision was made by the 33rd article, that "all hostilities and incursions" by the Indians within the two Republics, should be reciprocally prevented by force. On the 24th of February, 1833, Colonel Bean, of the Mexican Cavalry, addressed a complaint from Nacogdoches to the Secretary of War of the United States (Lewis Cass), concerning the intru-

* Amidst all the difficulties attendant on the first settlement in Texas, the Colonists provided for their own protection. At Beales' settlement in the Rio Grande District, a troublesome, expensive, and I may add, ineffective appendage—a Mexican guard—was required. Mr. Paulson, who accompanied the first body of emigrants, writes thus to the Directors of the Rio Grande Land Company, in June 1834. "The Colony has been left in very precarious circumstances. For their security, they have been obliged to engage several armed Mexicans, as a guard to watch day and night, and though the General at Matamoros has given his word to Dr. Beales to send up fifty soldiers, several months may arrive before they get there, and when arrived, their pay and board will, if not (ultimately) paid, have to be advanced by the colonists."

sion of the Choctaws, and apprised him of the intended entrance of several tribes of the Creek nation, located in Florida; requesting that the government would not only adopt such measures as would prevent further incursions, but also order all those Indians already within the province to remove to the lands assigned them in the United States. "I flatter myself"—wrote Colonel Bean—"with the present existing treaties, and the otherwise friendly relations subsisting between the two governments and their citizens, that the President of the United States will feel bound, from his elevated political as well as moral character, to arrest and prevent the intentions of the tribe or tribes of the Creek Indians, from any and all contemplated 'incursions,' into the territories of Mexico, and particularly of this province. The consequences to its white inhabitants may prove of a character not only disastrous to them, but such as would claim the consideration of every humane and honourable breast." In the spring of 1835, an attempt was made by a speculator named Hotchkiss, to purchase a settlement for 20,000 Creek Indians, on Filisola's Grant in Texas; but the scheme was defeated by Mr. W. H. Wharton, a public-spirited Texan, who laid the facts before President Jackson, by whom an "Admonition" was directed to the Creeks, telling them that he was bound by treaty with Mexico to keep them off the Mexican territory, and declaring that he would not permit them to emigrate to Texas. The mention of these facts will enable the reader to comprehend the motives of the United States Government, in issuing certain instructions to the General in command on the

Western frontier during the progress of the Texan revolutionary war.

While intelligence from various quarters conveyed assurance to the Texans that Santa Anna was preparing to march against them, with the determination to sweep away everything save "the recollection that they once existed"—their appeals to their friends and relatives in the United States had not been disregarded. In Louisiana, Tennessee, Alabama, Georgia, and other States, money had been subscribed, and volunteer companies enrolled, to aid their cause. The sums contributed were not large, nor the number of the auxiliaries considerable, but they arrived at a seasonable time, and were granted with an enthusiastic spirit. At Courtland, in Alabama, a number of young men, including some of the highest respectability, who had wealth enough to place them above the suggestions of interest in the adventure, formed a company, called the "Red Rovers," and invited a fellow-citizen, Dr. Shackelford, to take the command. This gentleman had filled several situations of honour and trust in the State of Alabama, and when he consented to embark in the cause of Texas, he resigned the appointment of receiver of public monies at the Land Office at Courtland. He relinquished also a medical practice worth from four to five thousand dollars per annum, with the society of an interesting family and a numerous circle of friends, and a home where he was familiar with every comfort, and a neighbourhood in which he was respected and esteemed. Not only did Dr. Shackleford accept the command of the volunteers, he also provided seventy-five stand of arms for their use, at his own expense. The company of Red Rovers

left Courtland on the 12th of December, and arrived at New Orleans on the 1st of January, 1836. On the 19th of January they landed at Matagorda, remained there a fortnight, subsisting on game (some part of the time on wolves), were taken off by a lighter, and carried up the La Baca to Texana. From Texana Captain Shackleford sent an express to the public authorities, stating that he had led a company into the country at their own expense; that if they could be of any service to the cause of Texas, they pledged themselves to remain in the field—not for a term of three, or six, or twelve months, but as long as there was one of their number left, or so long as there was an enemy to be found in the territory. But, if otherwise—if their services were not required—they would return to the United States, without subjecting Texas to any expenditure. The offer of the Red Rovers was, of course, gratefully accepted, and they were ordered to join Colonel Fannin at Goliad, where they remained, performing many arduous duties. To the Auxiliary Volunteers Fannin tendered this prudent counsel:—"Engage not in the political affairs of Texas; leave these things in the hands of those whose all is in the soil of the country. They have reclaimed a wilderness, under many of the most disheartening circumstances, and should be permitted to determine for themselves the proper course to pursue. If you propose a permanent settlement in the country, your interests must prosper or decline as theirs do. If you only come to aid their cause and the rights of man, and intend returning to your families, it would be trifling too much with the right of suffrage. Mistrust any one who at-

tempts, by whatever means, to draw you into the vortex of political discussion."

The question whether Texas should continue to struggle for the re-establishment of the Federal Constitution of 1824, or make a Declaration of Independence, and form a Republican Government—was warmly agitated by the Colonists at the close of 1835. Among the candidates for seats in the Convention to be held on the 1st of March, 1836, some declared that, if elected, they would advocate "the propriety of a Declaration of Independence, unless a change took place in the political affairs of Mexico;" while others avowed their intention, "under the present aspect of affairs, to advocate adherence to the Constitution of 1824."

Demonstrations in favour of independence had been made at Goliad, Texana, and San Augustine. The advocates of this policy maintained that Texas was no longer morally or civilly bound by the compact of Union, after the subversion of the Federal Constitution by Santa Anna. They observed, that the Anglo-Americans and Mexicans, if not primitively a different people, had been rendered essentially so by habit, education, and religion. The two races could not co-exist. The strong prejudices that existed at the first immigration, so far from being softened and neutralised, had been increased and confirmed. So long as the colonists of Texas belonged to the Mexican nation, their interests would be endangered, their prosperity cramped and their tranquillity more or less affected by the excitements of that revolutionary people. Of all the times for Texas to declare herself independent, the present they believed to be the most seasonable. The causes would fully jus-

tify the act, and win the approval of an enlightened world. In her present temporary and partial organization, she performed many acts of sovereignty: why not, then, execute them under an appropriate name? They were occupied in raising a regular force, but they never would have an efficient one until they had an established government performing all its functions.*

The party favourable to the continuance of the contest on Federal principles reminded the Colonists of their solemn obligations to maintain the Constitution of 1824, and adverted to the stand yet made against Centralism by the Mexican Liberals in the South, and to the probable hostility of the whole Mexican nation, in case they declared their independence. They had been told that by a Declaration of Independence they could become attached to the government of the United States. But had they any assurance to that effect? Interference with the territory of foreign nations, and all entangling alliances, it had ever been the policy of the United States to avoid. When Mr. Jefferson purchased Louisiana, it produced a tremendous excitement, and amounted almost to a severance of the Union. The constitutional power of the government to acquire foreign territory had ever been denied by the Republican party, and it was not probable that any great change had taken place on that subject. The manufacturing interest, it was well known, was opposed to the acquisition of territory to the South; and these things, taken in consideration with the good faith that should be observed between governments, would, no doubt, induce

* Address of the Committee of Safety and Vigilance at San Augustine, December 22nd, 1835.

the government of the United States to decline admitting Texas into the Union. What then would be their situation? An independent people, composed of about 60,000 inhabitants, deeply in debt, and not a dollar in the treasury.*

Communications were received, in the beginning of January, 1836, from Stephen Austin, who was then at New Orleans, where he had concluded a loan for 200,000 dollars, and expected to procure another for 40,000 or 50,000. In two of his letters published in the Texan newspapers at the time, he explained his views respecting a declaration of independence. He had always, he stated, been very cautious in involving the pioneers and actual settlers of Texas by any act of his, until he was fully and clearly convinced of its necessity, and of their capacity to sustain it. He had considered it his duty to be prudent, and even to control his own impulses and feelings, which had long been impatient under the state of things that had existed in Texas, and in favour of a speedy and radical change. When he left the country, he was of opinion that it was premature to stir the question of independence, although he wished to see the Colonists free from the trammels of religious intolerance and other anti-republican restrictions. But, since his arrival in New Orleans, he had received information that induced him to think the time had come for Texas to assert her natural rights. He had not heard of any movement by the Mexican Federal party in favour of Texas and the Constitution of 1824. On the contrary, according to the

* Address to the People by James Kerr, Member of the Legislative Council of Texas. San Felipe de Austin, January 4th, 1836.

latest news from Vera Cruz and Tampico, that party had united with Santa Anna to put down the Texans. Santa Anna was, by the last accounts, at San Luis Potosi, marching with a large force against Texas. One course, therefore, alone was left them—an absolute Declaration of Independence. Had it not been for the firm belief of the lenders that such a Declaration would be made by the Convention, when it should meet in March, they could not have obtained their loan. Whatever difference of opinion there might have been as to the *time* for this move, he hoped there would be none now. And "should a Declaration of Independence be made, there ought to be no limits prescribed, on the South, West, or North-West: the field should be left open for extending beyond the Rio Grande, and to Chihuahua and New Mexico."

CHAPTER XII.

Texan prospects at the opening of the year 1836—Removal of the Provisional Governor—Message of his Successor—Projected attack on Matamoros—Mexican Expedition against Texas—Military Outrages—March of Santa Anna to Bexar—Attack on the Alamo—Capture of the Fort and Slaughter of the Garrison—Colonel Crockett—Convention at Washington—Declaration of Independence—President Burnet's Address—Fate of King and his Party—Battle of the Coleto—Surrender of Fannin—Massacre of Texan Prisoners—Advance of Santa Anna—Battle of San Jacinto—Evacuation of Texas by the Invading Army.

THE year 1836 opened with inauspicious prospects for Texas. At a time when unanimity seemed essential to the existence of the Colonists, dissension broke out in the government. In a message transmitted to the General Council at San Felipe on the 10th of January, Governor Smith assumed the right to exercise certain powers with regard to the Council, which that body considered a dangerous invasion of its privileges. On the same day, the Council, by resolutions unanimously adopted, declared the office of Governor vacant, and called upon the Lieutenant-Governor, James W. Robinson, to discharge the duties of the same, according to the provisions of the second article of the Organic Law, creating a Provisional Government.

In his message to the Council on the 14th of January, the acting Governor, after expressing his conviction that the General Council ought to remain in Session until the meeting of the Convention on the 1st of March, invited attention to matters of immediate public interest. The regular army, he observed, had not

yet been recruited and filled up, and the enemy was preparing a more formidable force than they had yet encountered for an invasion early in the spring. The organization of an efficient army, and means for its support, would continue to form the object of their care, and considerations of economy demanded the reduction of a superfluous number of officers in the regiment of artillery. The closing of the land offices by the General Consultation had been attended with embarrassments to the *bona fide* settler; he therefore suggested the expediency of providing by law for the disposition of public lands to actual settlers then in Texas, or who might emigrate thither and settle on their locations, in accordance with the provisions of the Organic Law and laws of colonization; and that those citizens whose titles were not fully perfected should be authorised to receive them, under proper rules and regulations. It was also desirable that measures should be adopted for accelerating the organization of the judiciary, providing for the defence of the coast, and for rendering maritime intercourse more secure by surveys of the several ports. The rate of import duty being, in his opinion, too high, as the country was then situated, he recommended that ten and fifteen per cent. be levied and collected, instead of the existing charges of fifteen and twenty-five per cent.—it being their interest to attract capital and emigrants by affording to both all the facilities in their power. As two vessels had been purchased for the public service, and two more expected through their agents abroad, a corps of marines should be created and got ready for service without delay. The district in or near Red River required the establishment of

municipalities, with suitable officers for the administration of justice, and the formation of a mail route to Nacogdoches. Relief was due to those who had suffered in person or property by the siege of Bexar, and to the widows and orphans of the heroic men who had fallen in defence of the rights and liberties of the people. As important and necessary steps, he submitted to the consideration of the Council the necessity of proceeding by law for the protection of the vested rights and privileges of the citizens who were settled, or who had claims to lands, within or near the settlement of the Cherokee and other Indian tribes, and the appointment of a Commissioner to act in the place of General Houston, whose military duties had withdrawn him from co-operating with his colleagues. The happiness, the liberty, nay, the very existence of the Anglo-American population in Texas being dependent on the vigorous prosecution of the war against the Mexican Centralists and Santa Anna, he urged "the immediate reduction of the town of Matamoros and its dependencies, together with all places on or near the Rio Grande," which would greatly accelerate their future operations, and enable them to carry the war into the enemy's country, or conclude an honourable and advantageous peace.

The reduction of Matamoros had been recommended to the Governor and Council (without due consideration of the difficulties to be surmounted) by P. Dimitt, Commandant of Goliad, in a letter dated from that place on the 2nd of December, 1835. Besides the transference of hostilities to the Mexican frontier, it was proposed to secure, by the capture of Matamoros, the large revenues of the port, estimated at 100,000 dollars

monthly. This town, with a population of from six to eight thousand, including a considerable number of English and American traders, was the seat of a thriving commerce with the interior of Mexico—forwarding merchandise, by means of mules, even beyond Santa Fé, and receiving in return, by the same mode of conveyance, gold and silver, coined and in bars, furs, provisions, and other valuable and useful commodities. Flushed with the successes of the late campaign, entertaining a profound contempt for the Mexicans, and tempted by the richness of the prize, the Texans rashly embarked in an undertaking for which their means were altogether inadequate, and which they could not attempt without injuriously diminishing their defensive resources. Colonel Fannin, the government agent, announced an expedition to the West, and ordered the volunteers from Bexar, Goliad, Velasco, and elsewhere, to rendezvous at San Patricio, between the 24th and 27th of January, and report to the officer in command. Colonel Francis W. Johnson, who commanded at Bexar, on the retirement of General Burleson, was authorised by the government to lead the volunteers in the projected enterprise.

On the 1st of January, 200 of the volunteers stationed at Bexar had marched for Goliad, on their way to the rendezvous at San Patricio, under the command of Colonel (Doctor) Grant. On the preceding day, a meeting of part of the garrison had been held, at which resolutions were passed, approving of Lieutenant-Colonel Neil as Commandant, in the absence of Colonel Johnson, and declaring it "highly essential that the existing army should remain in Bexar." This declaration

was in condemnation of the movement against Matamoros, which stripped Bexar of two-thirds of its defenders, with the greater portion of the winter supply of ammunition, clothing, and provisions. On the 14th of January, Colonel Neil forwarded an express to the Provisional Government, intimating that a number of families were removing from Bexar, in apprehension of the advance of the Mexican army, of whose motions they could obtain no certain intelligence, owing to the want of horses. The volunteers that had engaged to serve for two or four months under Burleson or Johnson, had stipulated for monthly payment; but the money not being forthcoming, several had withdrawn, reducing the effective force under Colonel Neil to seventy-five men, which he feared would experience a farther diminution. Unless they were reinforced and victualled, it was the opinion of the Commandant that they must become an easy prey to the enemy, in case of attack. Along with this missive to the government, a requisition for aid of men and horses had been despatched to the Committee of Safety at Gonzalez. The imprudence of leaving the strongest and most important post in Texas in the condition described by Colonel Neil, is obvious. It was eventually productive of calamitous results, not compensated by any advantages arising out of the Matamoros scheme, which was abandoned, in consequence of disagreement among the parties who had undertaken to carry it through. All the Bexar volunteers under Grant, with the exception of about fifty, left him, having heard that his object was plunder, and joined the force at Goliad, while Grant himself, who was subsequently joined by some twenty men under

Johnson, proceeded on a foray for horses and cattle in the direction of Matamoros.

On the 1st of February elections were held for delegates to the General Convention, which was to meet at Washington, on the Brazos, on the 1st of March. In all the municipalities the choice of the people fell upon those candidates who were in favour of an absolute Declaration of Independence.

On the very day of the election of the delegates, the President of the Mexican Republic, General Santa Anna, set out from Saltillo, in Coahuila, for Monclova, on his route to the Rio Grande, where an army of 8,000 men, composed of the best troops of Mexico, and commanded by the most experienced officers, was to be assembled for the purpose of exterminating the rebels and driving the Anglo-Americans out of Texas. Santa Anna's confidential adviser was his aid-de-camp, Colonel Almonte, whose statistical researches in 1834 were now to be rendered available for uprooting, instead of planting, colonies. Second in command to Santa Anna, was General Vicente Filisola (by birth an Italian), a veteran of the Mexican revolution; attached to the army were also Generals Sesma, Urrea, Gaona, Tolsa, Andrade, Woll and Cos, the last of whom violated the condition of the first article of his capitulation at Bexar, by which he and his officers were permitted to retire with their arms and private property into the interior of the republic, "under parole of honour that they would not in any way oppose the re-establishment of the Federal Constitution of 1824." The artillery, of which there was an unusually large train, including mortars, was commanded by Colonel Ampudia; the engineer op-

erations were directed by Colonel Luis Tola. There was an immense mass of baggage, with several thousand mules and horses for its transport; indeed all the preparations were upon a scale of grandeur that contrasted strangely with the contemptuous terms in which the heads and promoters of the expedition spoke of the people whose destruction it was intended to accomplish.* Mexican emissaries had been despatched to the north-eastern frontier of Texas, to obtain the co-operation of the Indians on both sides of the line; and remonstrances against the interference of its citizens in "a question entirely domestic" had been addressed by the Mexican minister of foreign affairs to the government of the United States. To deter the Americans from furnishing assistance to the Texans, the Mexican consul in New Orleans gave notice, by direction of the acting secretary of state, that the supreme government of Mexico had ordered the enforcement of a decree, which declared that armed foreigners landing on the coast of the republic, or invading its territory by land, being citizens of no nation with which Mexico was at war, would be deemed pirates and dealt with as such; and that a like punishment would be awarded to all foreigners who should introduce, either by sea or land, arms or ammunition of any kind for the use of the rebels.* In consequence of the representations of the Mexican gov-

* According to General Filisola's account of the campaign, there was also an immense number of women in the wake of the army—"*Al immenso numero de mugeres que siguen al ejercito.*"

* Circular bearing date 30th December, 1835, addressed by the Secretary of the Department of War and Marine (Tornel) to the Civil and Military Commandants of the Mexican Republic.

ernment on the one side, and the friends of the revolted colonists on the other, the executive of the United States directed its agents to employ every measure permitted by the laws for the preservation of neutrality on the south-western frontier of Louisiana, and for the arrest of all individuals who might be engaged under the orders of General Santa Anna in exciting the Indians to war. A letter from the Secretary of War to Major-General Gaines, of the United States Army, dated January 23rd, 1836, directed him to assume the personal command of all the troops of the United States that were, or might be, employed on the Mexican boundary, for the purpose of resisting by force any attempt of the contending parties to cross the frontier in arms, and for preventing hostile incursions of the Indians into Texas. He was also charged to render such assistance as the law prescribed, when called upon by the civil authority to aid in enforcing the neutral duties of the United States.

On the 12th of February General Santa Anna arrived at the Rio Grande, where he halted until the 16th. As early as the 6th, information of his movements had reached the Colonists at San Patricio. Don Placido Benavides, a Mexican Federalist, informed the advanced division of the Volunteer Army at this place, that the troops at Matamoros amounted to 1,000 men, and forces were gathering rapidly in all directions. Military violence had repressed the popular feeling in favour of the Constitution of 1824, which prevailed among the inhabitants of Tamaulipas and the Rio Grande. The whole country was given up to the troops, and the most atrocious outrages were tolerated, to induce

them to press forward with ardour.* On the 7th of February, Colonel Fannin wrote to the Provisional Government, enclosing the despatch from San Patricio, and complaining of the apathy of the Colonists who remained at home, calculating upon the endeavours of their volunteer friends, many of whom had been in the field since November, without pay, and were then nearly naked. He urged the absolute necessity of providing coarse clothing, shoes, &c., for the troops first in service, and the immediate supply of ammunition. He had sent a detachment to San Patricio to bring off the artillery, and order a concentration of the troops at Goliad, and he intended to provide for the defence of that post and Bexar, keeping open a communication with the colonies. "In conclusion," he said, "let me implore you to lose no time and spare no expense in spreading these tidings throughout Texas, and ordering out the militia in mass; and spare us, in God's name, from elections in camp—organize at home, and march forward in order. * * * Look well to our coast—now is the time to use our small navy, and that to advantage; and unless soon afloat, we may fear the worst." Another communication, dated "head-quarters, Goliad, February 16th," was received by the government from

* "To raise funds and provisions, Cos causes each person to give an inventory of all he possesses, with valuation of each article, on which he demands one per cent. every twenty days. He then sends two men to make the appraisement over again, and, if their return be higher, he demands three per cent. in lieu of one. Each family has also to furnish a *fanega* of corn every twenty days, and the women are made to grind it, without respect to station. His soldiers have assassinated many of the most influential citizens, and their wives and daughters are violated."—*Despatch from San Patricio, signed "Robert Morris."*

Fannin, in which he informed them that the enemy intended to enter the country in three divisions—one to take Bexar, under Generals Sesma, Filisola, and Cos; one against Goliad, under Urrea; and the third under Santa Anna himself; which, after aiding, if required, in the reduction of Bexar and Goliad, was to proceed directly into the heart of the colonies. He requested them to send from twelve to fifteen hundred men immediately to Bexar, with plenty of provisions, and from five to eight hundred to Goliad, with like stores, and then, with an army of reserve on the Colorado, all would be well. "Go ahead—rely on yourselves and the arms of your men. No aid need be expected from Mexicans."

General Santa Anna moved from the Rio Grande in the afternoon of the 16th, and at half-past twelve o'clock on the 23rd halted on the heights of the Alasan, near San Antonio de Bexar.* The whole of the invading army was ordered to concentrate at this place, with the exception of a division under General Urrea, which had marched from Matamoros for San Patricio, the Irish settlement on the river Nueces. At two o'clock, according to Colonel Almonte's Journal, the Mexican army resumed its march—"The President and his staff in the van. The enemy, as soon as the march of the division was seen, hoisted the tri-coloured (Mexican) flag, with two stars, designed to represent Coahuila and Texas. The President, with all his staff, advanced to the burying-ground. The enemy lowered his flag and fled, and Bexar was occupied without firing

* Manuscript Journal of the Campaign, by Colonel Almonte, found on the battle-field of San Jacinto by Dr. Anson Jones.

a shot. At 3 P.M. the enemy filed off to the fort of the Alamo, where there were some pieces of artillery, among them one eighteen pounder. It appeared they had 130 men."

The Texan force in the Alamo was under the command of William Barrett Travis, who, on the appearance of the Mexicans on the 23rd, sent an express to San Felipe, soliciting men and provisions, and declaring that their little garrison would defend the place to the last. In another letter of the 24th, Travis avowed his determination never to surrender or retreat, although the enemy threatened to put the garrison to the sword unless they surrendered at discretion. He therefore appealed to the people of Texas and the Anglo-Americans, in the name of liberty, of patriotism, and everything dear to their character, to come to his aid with all despatch. Should this call be neglected, he was determined to sustain himself as long as possible, and die like a soldier, who never forgets what is due to his own honour and that of his country. "The Lord," he adds, "is on our side. When the enemy appeared in sight, we had not three bushels of corn. We have since found, in deserted houses, eighty or ninety bushels, and got within the walls twenty or thirty head of beeves."

The Convention of Delegates for Texas, invested with plenary powers, met at Washington on the Brazos, on the 1st of March, and chose Richard Ellis, delegate from Red River, president. On the 2nd, General Houston, who was confirmed in his appointment as Commander-in-Chief, and who appeared as a delegate for the municipality of Refugio, issued a proclamation, announcing that war was "raging on the frontier," and

Bexar besieged by 2,000 of the enemy, while the garrison was only 150 strong. "The citizens of Texas must rally to the aid of our army, or it will perish. *Independence is declared*—it must be maintained. Immediate action, united with valour, alone can achieve the great work. The service of all are forthwith required in the field."

Travis claimed to have repulsed the enemy in two attacks, on the 25th, and the night of that day, with considerable loss. The transactions from the 25th of February to the 4th of March are thus recorded in Almonte's Journal:—

"*Thursday, 25th.*—The firing from our batteries was commenced early. The General-in-Chief, with the battalion de Cazadores, crossed the river and posted themselves in the Alamo; that is to say, in the houses near the fort. A new fortification was commenced by us near the house of M'Mullen. In the random firing, the enemy wounded four of the Cazadores de Matamoros battalion, and two of the battalion of Ximenes, and killed one corporal and a soldier of the battalion of Matamoros. Our fire ceased in the afternoon. In the night two batteries were erected by us on the other side of the river, in the Alameda of the Alamo; the battalion of Matamoros was also posted there, and the cavalry was posted on the hills to the east of the enemy, and in the road from Gonzalez at the Casa Mata Antigua. At half-past eleven at night we retired. The enemy in the night burnt the straw and wooden houses in their vicinity, but did not attempt to set fire with their guns to those in our rear. A strong north wind commenced at nine at night.

"*Friday, 26th.*—The northern wind continued very strong; the thermometer fell to 39°, and during the rest of the day

remained at 60°. At daylight there was a slight skirmish between the enemy and a small party of the division of the east, under command of General Sesma. During the day the firing from our cannon was continued. The enemy did not reply except now and then. At night the enemy burnt the small houses near the parapet of the battalion of San Luis, on the other side of the river. Some sentinels were advanced. In the course of the day the enemy sallied out for wood and water, and were opposed by our marksmen. The northern wind continues.

"*Saturday, 27th.*—Lieutenant Menchard was sent with a party of men for corn, cattle, and hogs, to the farms of Seguin and Flores. It was determined to cut off the water from the enemy on the side next the old mill. There was little firing from either side during the day. The enemy worked hard all day to repair some intrenchments. In the afternoon the President was observed by the enemy, and fired at. In the night a courier was despatched to Mexico, informing the Government of the taking of Bexar.

"*Sunday, 28th.*—News received that a reinforcement of 200 men was coming to the enemy by the road from La Bahia. The cannonading was continued.

"*Monday, 29th.*—In the afternoon, the battalion of Allende took post at the east of the Alamo. The President reconnoitred. At midnight General Sesma left the camp with the cavalry of Dolores and the infantry of Allende, to meet the enemy coming from La Bahia to the relief of the Alamo.

"*Tuesday, March 1st.*—Early in the morning General Sesma wrote from the Mission of Espada that there was no enemy, or traces of any, to be discovered. The cavalry and infantry returned to camp. At twelve o'clock the President went out to reconnoitre the mill site to the north-west of the Alamo. Colonel Ampudia was commissioned to construct more

trenches. In the afternoon the enemy fired two twelve-pound shots at the house of the President, one of which struck it.

"*Wednesday, 2nd.*—Information was received that there was corn at the farm of Seguin, and Lieutenant Menchard with a party sent for it. The President discovered in the afternoon a covered road within pistol-shot of the Alamo, and posted the battalion of Ximenes there.

"*Thursday, 3rd.*—The enemy fired a few cannon and musket shot at the city. I wrote to Mexico, directing my letters to be sent to Bexar—*that before three months the campaign would be ended.* The General-in-Chief went out to reconnoitre. A battery was erected on the north of the Alamo, within pistol shot. Official despatches were received from Urrea, announcing that he had routed the Colonists of San Patricio*, killing sixteen, and taking twenty-one prisoners. *The bells were rung.* The battalions of Zapadores, Aldama, and Toluca arrived. The enemy attempted a sally in the night, at the sugar mill, but were repulsed by our advance.

"*Friday, 4th.*—Commenced firing early, which the enemy did not return. In the afternoon one or two shots were fired by them. A meeting of Generals and Colonels was held. After a long conference, Cos, Castrillon, and others, were of opinion that the Alamo should be assaulted *after* the arrival of two twelve-pounders expected on the 7th instant. The President, General Ramirez Sesma, and myself, were of opinion that the twelve-pounders should not be waited for, but the assault made. In this state things remained, the General not coming to any definite resolution."

A letter from Travis to the President of the Convention at Washington, dated 3rd of March, supplies the

* The settlement of Irish Catholic families on the Nueces. Power and M'Gloine's settlements were entirely broken up by the war.

events subsequent to the 25th of February, as they were viewed by the besieged:—

"From the 25th to the present date the enemy have kept up a bombardment from two howitzers (one a five-and-a-half inch, and the other an eight-inch), and a heavy cannonade from two long nine-pounders mounted on a battery on the opposite side of the river, at the distance of four hundred yards from our walls. During this period the enemy have been busily employed in encircling us with intrenched encampments at the following distances:—in Bexar, 400 yards west; in Lavilleta, 300 yards south; at the powder-house, 1000 yards east by south; on the ditch, 800 yards north-east; and at the old mill, 800 yards north. Notwithstanding all this, a company of thirty-two men from Gonzalez made their way to us on the morning of the 1st instant, at three o'clock, and Colonel J. B. Bonham (a courier from the same place) got in this morning at 11 o'clock.

"I have so fortified the place that the walls are generally proof against cannon balls, and I still continue to intrench in the inside, and strengthen the walls by throwing up the earth. At least 200 shells have fallen inside our walls without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. * * * *

"Colonel Fannin is said to be on the march to this place with reinforcements; but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Bahia (Goliad) fourteen days ago, with a request for aid; and on the arrival of the enemy in Bexar, I sent an express to Colonel Fannin, which reached Goliad on the next day, urging him to send

on reinforcements—*none have yet arrived.* I look to the *Colonies alone* for aid; unless it arrive soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined spirit and desperate courage heretofore evinced by my men will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost that enemy so dear, that it will be worse than a defeat.

"I hope your honourable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have: our supply of ammunition is limited. At least 500 lbs. of cannon powder, and 200 rounds of six, nine, twelve, and eighteen pound balls, ten kegs of rifle powder, and a supply of lead should be sent to this place without delay under a sufficient guard. If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighbourhood will be the great and decisive battle-ground. The power of Santa Anna is to be met here or in the colonies: we had better meet it here than to suffer a war of desolation to rage in our settlements. A blood-red banner waves from the church of Bexar, and in the camp above us, in token that the war is one of vengeance against rebels: they have declared us such, and demanded that we should surrender at discretion, or this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and with that high-souled courage which characterizes the patriot, who is willing to die in defence of his country's liberty and his own honour.

"The citizens of this municipality are all our enemies, except those who joined us heretofore; we have but three Mexicans in the fort. Those who have not joined us in this

extremity should be declared public enemies, and their property should aid in defraying the expenses of the war.

"The bearer of this will give your honourable body a statement more in detail, should he escape through the enemy's lines.—*God and Texas! Victory or Death!*"

Reinforcements were arriving daily to Santa Anna, until the force at Bexar amounted to more than 4,000 men, with all the means and appliances of war. For Travis and his little band, cooped within the walls of what one of the Mexican generals (Filisola) aptly termed the barrack (*del cuartel*) of the Alamo, there came no succor. Real and feigned attacks, a heavy bombardment, and the necessity of procuring wood and water outside the fort, wore down the physical energies of the garrison, but did not subdue their spirit. Soon after midnight on the 6th of March, the Mexican army, commanded by Santa Anna in person, surrounded the fort, for the purpose of taking it by storm, cost what it might. The cavalry formed a circle around the infantry, for the double object of pricking them on, and preventing the escape of the Texans. Long before daylight, the Mexicans advanced towards the Alamo, amidst the discharge of musketry and cannon. Twice repulsed in their attempt to scale the walls, they were again impelled to the assault by the exertions of their officers, until, borne onward by the pressure from behind, they mounted the walls, and, in the expressive language of an eye-witness, "tumbled over like sheep." Then commenced the last struggle of the garrison. Travis received a shot and fell as he stood on the walls, cheering on his men. When he dropped, a Mexican officer

rushed forward to despatch him. Summoning up his powers for a final effort, Travis met his assailant with a thrust of the sword, and both expired together. The brave defenders of the fort, overborne by multitudes, and unable in the throng to load their fire-arms, continued the combat with the but-end of their rifles, until only seven were left, and these were refused quarter. Of all the persons in the place, no more than two were spared—Mrs. Dickerson and the negro servant of the Commandant. Major Evans, of the artillery, was shot while in the act of firing a train, to blow up the magazine, by order of Travis. Colonel James Bowie, who had been confined several days by sickness, was butchered in his bed, and his remains savagely mutilated. The rudest form of sepulture was denied the dead. Their bodies were stripped, thrown into a heap, and burnt, after being subjected to brutal indignities, in the perpetration of which General Santa Anna has been charged with being a leading instrument*. The obstinate resistance of the garrison, and the heavy price which they exacted for the surrender of their lives, had exasperated the Mexicans to a pitch of rancorous fury, at which all considerations of decency and humanity were forgotten. I have seen no authenticated statement of their loss. In Newell's account of the revolution it is set down at 1,500; but this seems to be considerably over the mark, as, previous to the storming of the fort, the artillery was the only arm employed, and it may be

* "Santa Anna, when the body of Major Evans was pointed out to him, drew his dirk and stabbed it twice in the breast."—*Revolution in Texas, by the Rev. Chester Newell.*

presumed that Santa Anna's troops would not venture needlessly within range of the Texan rifles.

With the exception of the reinforcement of thirty-two men from Gonzalez, nearly all the garrison of the Alamo were Auxiliary Volunteers. In a list of 115, four are described as Irish, four English, two Scots, and one Welsh; the remainder were from different parts of the United States. Colonels Travis and Bowie had been several years in Texas. Among the slain there was one who, surrounded by a heap of the fallen enemy, displayed even in death the freshness of the hunter's aspect, and whose eccentricities, real or reputed, have familiarized England with his name—David Crockett of Tennessee, a character such as could only have been produced and perfected within the limits of his own country.

The whole man, physical and mental, was of frontier growth. His playthings from infancy were the axe and the rifle. Few among his youthful companions displayed more activity and strength; none aimed his piece with a steadier hand or truer eye. In the metaphorical eulogy of the western woodsmen, he was more than "a horse,"—he was "a steam-boat." During the war of 1812 David took up arms for his country, and fought bravely, though no admirer of parade or drill. After the war, he turned to industrious pursuits, and was a successful hunter and thriving planter. Hospitality kept cheerful watch at his door, and the wayfarer was ever welcome to a plentiful meal, and a glass of "old Monongahela."

The ambition to be politically distinguished, which prevails wherever free institutions are established, is,

perhaps, a more active passion in new states than in old. Crockett did not escape the general mania for public life. His conscience told him that he was an honest man, and rumour and the newspapers strangely lied if there were many of the same stamp in the great house at Washington. Reforms were wanting—there was no question of that—but means were essential to an end, and sound reforms demanded clean-handed legislators. David felt that he had a call. He had mastered the "varmint" of the woods—"coon," bear, and panther—and why should he not "use up" the prowlers that preyed upon the commonwealth?—The great Tennessee hunter determined to "run for Congress."

The stump of a tree is frequently the rostrum of a western orator; hence the name of "stump speeches" has been given in the States to those morsels of eloquence which are seasoned and sauced exclusively for the popular palate. Possessed of robust health and powerful lungs, backed by never-faltering perseverance, Crockett was a giant on the stump. If poor in classical lore, he was affluent in the figures and phraseology of life in the West. After a long and arduous struggle, he was chosen a member of Congress for Tennessee.

His career as a patriotic legislator disappointed his hopes, and fell far short of his electioneering promises.

When he entered Congress he imagined that his prowess as a hunter and a wrestler would inspire his opponents with awe, and enable him to shoulder the state waggon out of the ruts by a few prompt and dexterous heaves; but he found difficulties at Washington which he never contemplated when an aspirant for rep-

resentative honours. The first thing, he said, that "bothered" him were the Congressional rules and orders, and "what those rascally things were made for he could not reckon, for they did no good." If he happened to damage these rules and orders, and then got in a "fair track," his tongue did not wag so gibly as it used to do on the stump, and he frequently found himself short of breath and his knees weak when he attempted to harangue the House. He could not understand this, but he found it was so day after day. He often looked round to see if there were any man bigger and stronger than himself to produce this quaking, for, until then, none but a stronger man than himself could shake his nerve. His visions of reform, one after another, vanished, for he could not make the members listen to his reasoning. He began to suspect that he had different work to do than when he used to go "a gunning." Often as he might hit a political wild cat, the "crittur" held out, as if it had nine times the nine lives attributed to grimalkin.

Many an odd saying and grotesque story was fathered on "Colonel Crockett," whose raciness of speech and manners was, however, spoiled by mixing in political society. He lost the wild originality of frontier, without acquiring the polish or sprightliness of city, life. Still, Washington had its attractions, and he was anxious to retain his place in the legislature; but he must have his own way, and would not submit to be trammelled; the consequence of which was that his constituents chose a more pliable candidate. This was a heavy blow to David, who had been for years a "lion," and to whom excitement of some kind was indispensable. Disgusted

with politics and irritated by public ingratitude, military renown acquired fresh attractions in his eyes. At this time Texas had raised the standard of resistance against military usurpation. To the cause of Texan liberty he resolved to devote himself, and, shouldering his rifle, he started for the Sabine, and arrived at Nacogdoches, accompanied by several volunteers, in the commencement of the war. Having determined to become a citizen of Texas, he proceeded with his companions to the office of Mr. Forbes (then first judge of the municipality), to take the oath of allegiance, which was tendered to him in the following form:—

"I do solemnly swear that I will bear true allegiance to the Provisional Government of Texas, or any future Government that may be hereafter declared; and that I will serve her honestly and faithfully against all her enemies and oppressors whatsoever, and observe and obey the orders of the Governor of Texas, the orders and decrees of the present or future authorities, and the orders of the officers appointed over me according to the rules and articles for the government of Texas,—So help me God."

Crockett was not the man to make a solemn declaration without scrutinizing its import. He refused to take the oath as tendered, stating that although he was willing to swear to support any future *Republican* Government, he could not subscribe his name to this form, as the "future" Government might be despotic. Mr. Forbes then inserted the word "republican" between the words "future" and "Government;" and the instrument was signed. The original, deposited in the

office of the War Department of Texas, exhibits the interlineation and the autograph of David Crockett.

Biography is the handmaid of History, and frequently a more agreeable companion than her mistress; I therefore offer no apology for this brief notice of one of "the heroes of the Alamo." Poor David! thy simple uprightness merited a happier end! Yet, to borrow a phrase of thine own coinage, thou didst "go a-head for the right;"* and thy blood was shed upon a holy altar, and from thy smouldering ashes arose a flame which streamed from the San Antonio to the Mississippi and Ohio, lighting up, in many a generous heart, a fire not to be extinguished, so long as those who dishonoured thy manly form continued to tread the soil in which their barbarian vindictiveness denied thee and thy gallant comrades the humble privilege of a soldier's grave!

On the 2nd of March, the Convention of Texas, assembled at Washington, agreed unanimously to a Declaration of Independence, in which the principles on which this measure was deemed justifiable and the provocations that led to it, were expounded and recited.† After a recapitulation of the grievances endured from Mexican mal-administration and faithlessness, the declaration thus concludes:—

"These and other grievances were patiently borne by the people of Texas until they reached that point at which for-

* "*If for the right,* go a-head," was the original saying of the Colonel, for which, in its complete form, I am indebted to Mr. Webster, at present Secretary of State in the Harrison Administration, who rectified my imperfect version of this now universal American ism, at Washington, in the Spring of 1839.

† See Appendix, No. V.

bearance ceases to be a virtue. We then took up arms in defence of the national Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are consequently forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self-government. The necessity of self-preservation now decrees our eternal political separation.

"We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and DECLARE that our political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, AND INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent States; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations."

Fifty delegates, including Lorenzo de Zavala, subscribed the declaration.

On the 16th of March, the Convention passed executive ordinances, preliminary to the establishment of a Constitution for Texas;* and on the following day the Constitution was adopted. On the 18th of March, the Convention adjourned, having appointed an Executive Government *ad interim*, which was invested with full authority to do all and everything that was contemplated

* For the Ordinances and Constitution, see Appendix, Nos. VI. and VII.

to be done by the General Congress of the people, under the powers conceded by the Constitution. The following appointments were made:—David G. Burnet, President; Lorenzo de Zavala, Vice-President; Colonel Carson, Secretary of State; Bailey Hardiman, Secretary of the Treasury; Colonel Thomas J. Rusk, Secretary of War; Colonel Robert Potter, Secretary of the Navy; David Thomas, Attorney-General; J. R. Jones, Postmaster-General.

Mr. D. G. Burnet, the Provisional President, was the son of a physician in Newark, New Jersey, who, in 1775, abandoned his profession and devoted himself to the cause of the American Revolution. In the autumn of 1776, he was elected to Congress, and, in December following, was appointed Surgeon-General of the army in the Eastern Department. Mr. D. G. Burnet, with his brothers, emigrated at an early period to the State of Ohio, a late Chief Justice of which state was a near relative of the family. Mr. Burnet was educated for the legal profession; and a writer in a respectable American periodical states, that he was long a resident of Ohio, where he is remembered as a man of unblemished reputation, courteous manners, and intellectual attainments. My own short acquaintance with Mr. Burnet gave me a very favorable impression of his character. In the affairs of Texas he has always been distinguished by calmness and moderation, and has not unfrequently been exposed to censure for declining to keep pace with popular impatience. This prudence and forbearance, united with firmness and perseverance, well qualified him to fill the difficult post to which he had been called by the Convention. In his Inaugural

Address, he reminded the delegates, in impressive terms, of the duties which had devolved upon them:—

"Texas is, and has been for eighteen years, the land of my peculiar affections; and to aid her in this day of her trial, and, I trust, of her glory, would confer upon me a nobler gratification than could be derived from the attainment of any other earthly object. But I am only one individual among the host, and my single efforts would be impotent and unavailing: *Texas demands the utmost energies of every citizen.* We are engaged in an arduous and difficult contest; our enemy is powerful in numbers and in means; but we also are strong in the rectitude of our cause, and in that indestructible inheritance of gallantry which we derive from the illustrious conquerors of 1776.

"If the highest courage were alone sufficient to accomplish our great enterprise, then would Texas be safe and her independence established beyond the utmost efforts of her enemies to impair it. But courage is only one among many virtues, and will not alone avail us in this solemn crisis of our affairs. The desultory efforts of brave men may be easily defeated, when their united energies would triumph over all resistance. Let us then, gentlemen, lay our heads, our hearts, and our hands together, and, like a band of brothers, feeling one interest and one affection, look with a single eye to one common object—*the Redemption of Texas.* * * * *

"We have undertaken a great, glorious, and hazardous enterprise; and each of us and every citizen of Texas is deeply and irrevocably compromitted to its accomplishment. To effect this object will require the exercise of many and various virtues. The display of the rarest military prowess is not alone sufficient; we must also show, by practical illustration, that we know how to exercise and appreciate the milder, less obtrusive, but more useful attributes of justice and truth, which

render nations as well as individuals respectable under all the vicissitudes of time. We are about, as we trust, to establish a name among the nations of the earth; and let us be watchful above all things that this name shall not inflict a mortification on the illustrious people from whom we have sprung, nor entail reproach on our descendants. We are acting for posterity; and while, with a devout reliance on the God of Battles, we shall roll back the flood that threatens to deluge our borders, let us present to the world such testimonials of our moral and political rectitude as will compel the respect, if not constrain the sympathies, of other and older nations.

"The day and the hour has arrived when every freeman must be up and doing his duty. The Alamo has fallen! The gallant few who so long sustained it have yielded to the overwhelming power of numbers; and, if our intelligence be correct, they have perished in one indiscriminate slaughter: but they perished not in vain! The ferocious tyrant has purchased his triumph over one little band of heroes at a costly price; and a few more such victories would bring down speedy ruin upon himself. Let us, therefore, fellow-citizens, take courage from this glorious disaster; and while the smoke from the funeral piles of our bleeding, burning brothers, ascends to Heaven, let us implore the aid of an incensed God, who abhors iniquity—who ruleth in righteousness, and will avenge the oppressed."

During the sitting of the Convention the illegal land-sales of the Legislature of Coahuila and Texas, the relations of the Colonists to the north-eastern Indians, and the claims of volunteers from the United States, came under consideration. A provision introduced into the Constitution declared the act of the State, passed in the year 1834, "in behalf of General John T. Mason, of New York, and another of the 14th of

March, 1835, under which the enormous amount of 1,100 leagues of land had been claimed by sundry individuals, some of whom resided in foreign countries, and were not citizens of the Republic (which acts were contrary to articles fourth, twelfth, and fifteenth of the laws of 1824 of the General Congress of Mexico), together with such and every grant founded on these acts, and all eleven league claims located, contrary to the laws of Mexico, within twenty leagues of the boundary-line between Texas and the United States," null and void. With respect to the Indians, no conclusive arrangement was made: a form of treaty was presented by General Houston, but it did not receive the sanction of the delegates. A liberal bounty in land was granted to volunteers in addition to their pay and rations:—to all then in service, and who should continue to serve faithfully during the war, 1,280 acres; to all who had served or should serve faithfully for a period of not less than six months, 640 acres; to all who had served faithfully for a period of not less than three months, 320 acres; to all who should enter the service previous to the first day of July, and continue to serve faithfully during the war, provided the war endured for a period of more than six months, 960 acres; to all who should enter the service after the 1st day of July, a quantity, proportionate to their services, to be afterwards determined by law. The lawful heir, or heirs, of all such volunteers as had fallen, or might afterwards fall, in the contest with the Mexican Government, or who had died or might die from any accident while in the service of the country during the war, to be entitled to the quantity of land which would

have been due to the deceased under the colonization law, as established by the laws of the land, had he survived; namely, one league and lot (or 4604 acres) for a man of family, and one-third of a league (1476 acres) for a single man; and the said heir or heirs should also receive, in addition to the land thus granted, a bounty of 460 acres, as decreed by the Council at San Felipe, on the 11th of December, 1835. It was further resolved that no bounty of land granted to a volunteer, as such, should affect his right to land under the colonization laws; and in case volunteers, through error, should locate any of their claims on lands previously held by legal title or possession, they were to be allowed to "lift said location, and again locate said claims upon any vacant lands in the Republic."*

After the fall of the Alamo, the whole of the Auxiliary Volunteers in Texas did not amount to much above 400 men, who were chiefly under Fannin, at Goliad. The Colonists, who had "whipped" the Mexicans in the campaign of 1835, and signalized themselves by storming Bexar, did not display the same alacrity in 1836, either through contempt of the enemy, or from reluctance to withdraw their protection from their homes and families. With a view to an equal distribution of the burden of defence, the Convention provided, by the eighth section of the general provisions of the Constitution, that all persons who should leave the country for the purpose of evading a participation in the existing struggle, or who should refuse to partic-

* Resolutions adopted in the Convention of Texas, at the town of Washington, on the 17th of March, 1836.

ipate in it, or furnish aid or assistance to the enemy, should "forfeit all rights of citizenship and such lands as they might hold in the Republic."

While Santa Anna was concentrating his forces at Bexar, General Urrea was proceeding with his division along the line of the coast. Colonel Johnson and Dr. Grant, with the volunteers that adhered to them after reaching Goliad, had advanced to the frontier settlement of San Patricio, on the Nueces, whence they made occasional incursions on the enemy. In one of these inroads they captured a small reconnoitring party of Mexicans, led by a person named Rodriguez, who was allowed the privilege of remaining a prisoner on his parole, the lives of his men being spared. About the time of the attack on the Alamo, Johnson and Grant, with their followers, were severally surprised by the Mexicans, and, with the exception of Johnson and another, who effected their escape, every Texan was cut off. According to Mrs. Holley, the captor of one of the parties was the same Rodriguez who was taken under nearly similar circumstances, and who had rejoined his countrymen by violating his parole. The slaughter of Dr. Grant and his band of twenty Anglo-Americans and three Mexicans occurred on the 2nd of March, and a report from General Urrea, magnifying its importance, was received by General Santa Anna on the 7th.*

Early in March, the Texan Commander-in-chief, General Houston, established his head-quarters at Gonzalez, where his whole strength did not amount to 300

* "Evacuation of Texas," by General Vicente Filisola.—The affair is styled by Filisola an insignificant advantage—"*insignificante ventaja.*"

men, some of whom were without muskets. Hearing of the fall of the Alamo, he retired on the 10th from the Guadalupe to the Colorado, to obtain reinforcements and supplies. All the property that could not be removed from Gonzalez was destroyed, and the buildings burnt. Orders were despatched by General Houston to Colonel Fannin, directing him to abandon the fort at Goliad and fall back upon Victoria. Unfortunately for Fannin and his men, these orders were not obeyed in time.

Having received intelligence of the advance of the Mexican army towards the Mission of Refugio, Fannin ordered a detachment of fourteen men,* under Captain King, to effect the removal of some families resident there to a place of safety. On the 9th, King approached Refugio, and found himself in the presence of the enemy, who sent a troop of cavalry to cut off his retreat. Before the cavalry came up, he succeeded in occupying a piece of woodland, where he kept the enemy at bay with the rifle. The skirmishing continued until night, when King retreated towards Goliad, but, losing his way, discovered next morning that he was only three miles from the Mission, in an open prairie, and his ammunition wet. Here, having neither means of defence nor opening for retreat, he was obliged to surrender. He was taken on the 16th of March, and shot, by command of Urrea, in less than six hours, with all his men, except one who was mortally wounded in the field. A courier despatched by Fannin to hasten the

* According to Newell, twenty-eight, but General Urrea's Diary specifies fourteen as the number taken, and I have seen no account of the escape of any.

return of the detachment, shared the same fate. Doctor Thorn, of Natchez, who was taken, with other American volunteers, immediately after landing at Copano, bore testimony to the massacre of the thirteen prisoners by General Urrea, to whom he expresses himself indebted for "many marks of kindness and courtesy." * * "The day after my arrival at the Mission," says this apparently dispassionate witness, "I was sent with a guard to Goliad, and, at the distance of a mile from the Mission, I saw the mangled remains of Fannin's unfortunate courier, and at a short distance farther, the company of Captain King, murdered, stripped of their garments, denied the privilege of burial, and left as food for the loathsome vulture and the ravenous wolf."*

No tidings having arrived from King, Fannin despatched a second and larger detachment towards Refugio, comprising the battalion of Lieutenant-Colonel Ward, the second in command at Goliad. Ward had two engagements with the Mexicans, in the first of which he was victorious; in the second, he was overpowered by numbers, and forced to surrender. From muster-rolls of the companies that served under Fannin, compiled with care, after the destruction of the originals along with other executive documents, in the course of the war, I have ascertained that the whole force under the Commandant of Goliad, including the detachments of Ward and King, was about 480 men. With his strength weakened by the amount of these detachments, for the absence of which he could not account, Fannin

* Narrative of Dr. W. N. T. Thorn, published in the *Mississippi Free Trader*, Nov. 29. 1838.

was in danger of being overwhelmed by the division of Urrea, whose cavalry was seen within a few miles of Goliad on the 17th of March. An express from General Houston, with an urgent order to retreat, reached Fannin at Goliad on the 14th.

Rumor had fixed the number of the advancing Mexicans at 2,000 men, and the spies had reported them to be "well-appointed regulars." Captain Horton having been sent to reconnoitre, verified the report as to the character of the force, and with other officers advised Fannin to evacuate Goliad without delay, while they had still a prospect of forming a junction with Houston before the main body of the enemy came up. Still hoping that Ward, who led a volunteer battalion from his native State of Georgia, would come in, Fannin (also of Georgia) lingered until the morning of the 18th, when before day the advance guard, consisting of twenty-eight mounted men, under Captain Horton, were in the saddle. The abandonment of the cannon, removable by oxen only, was recommended to expedite the retreat. "No," replied Fannin, "my cannon must go with me; I expect a fight, and I cannot do without them." Orders were given to dismantle the fort, as far as was practicable, and to burn the buildings. I borrow the subsequent details from a published narrative very inartificially written, but bearing internal evidence of being the unvarnished account of an eye-witness. Fannin's line of retreat, it will be remembered, lay across the San Antonio River and Coleto Creek, to the village of Victoria, beyond the River Guadalupe.

"The only American non-combatant residing at Goliad (Mrs. Cash) accompanied the troops in the retreat.—It was

10 o'clock ere the rear-guard had crossed the river, and they hastened towards Victoria, until Fannin, judging it time to give his oxen rest, ordered a halt, and had them ungeared for an hour; after which preparations were made for a second move, but, alas! one of the carts broke down soon after they started, thus causing another delay, to distribute the load on the other waggons, when minutes were precious to us. However, they again took up the line of march; Fannin ordered Horton to proceed a-head with his command, and scour the timber bordering the Coleto, which lay on their left; he himself brought up the rear. Thus the troops moved on half a mile farther, when two Mexicans came out of the Coleto timber a mile behind them—not in their front, from whence Fannin supposed them likely to appear. They halted on the edge of the prairie and reconnoitred for ten minutes, and then retired back into the woods; soon after they again returned accompanied by four others, and after reconnoitring a short time, the enemy's advance guard of cavalry made their appearance, deploying into the open ground in platoons four deep. They immediately galloped after our troops, and when within a fourth of a mile of them, they separated and passed on in double files, having the Americans between them, until their van was half a mile a-head of the battalion, in the direction of Victoria, when they wheeled from both divisions and galloped to the centre, until their ranks again met; their rear also closed in the same manner, and our friends found themselves surrounded on all sides by the enemy. For half an hour each party was preparing for the coming struggle. Our men saw at a glance that their only hope rested in their courage and decision; and they threw themselves into a hollow square, facing outwards."

The effect of a piece of artillery, fired against Fannin's orders, satisfied Urrea, who had no cannon on

the ground, that to win the day he must come to close quarters; he therefore ordered a charge of cavalry. They galloped in "dashing style" towards the Texan battery, when they were broken by a discharge from seven pieces.

"The shock was sudden: they halted, drew up their horses, and faltered when encouraged to return to the charge; finally they turned tail and retreated to the woods, full two miles off, where they were again formed, and prepared for another attempt to carry the battery by storm. In the mean while, the enemy's infantry kept up a harmless fire, advancing on our line after each round; but they were only suffered to take ground within rifle range, where they were stopped, for the boys burnt no powder in vain. As soon as the cavalry had retreated, our artillerists wheeled their pieces to the right about, and scattered grape and death among the infantry, who were thus in their turn driven back to the Coleto timber, about half a mile off.

"As soon as Urrea could restore order to his lines he again advanced. His infantry came up in double quick time, and his cavalry in a 'slope,' until they were within range, when the artillery again checked them with a single volley, and they turned tail and scampered for the woods as before. Their infantry advanced just near enough to lose a man at every rifle crack, but not near enough to do execution on our friends, for their ammunition was poor, and their marksmen were unaccustomed to the use of the musket; their officers were marked targets, and they suffered accordingly. As soon as the cavalry had started for the timber, our artillery wheeled about as before, and sent the infantry off also. As yet our friends were unscathed.

"In about half an hour after their second repulse, Urrea succeeded in putting his columns in order. They were reluctantly driven by their officers to the assault for the third time,

for it required great exertions to induce them even to make a show as though they intended to advance to the charge; our men saw the officers beating them over the shoulders, and *coaxing* them on by pricking them from behind. They however succeeded in urging them to within fifty or sixty yards of our lines, on either side, but then again the grape and canister from our artillery mowed down their cavalry as if they were rushes, while their infantry suffered martyrdom under the fire of our rear and left divisions. Their front ranks were so suddenly swept off, as almost to form a breastwork sufficient in itself to shield our friends from their assaults. The scene was now dreadful to behold; killed and maimed men and horses were strewn over the plain, the wounded were rending the air with their distressing moans, while a great number of horses without riders were rushing to and fro back upon the enemy's lines, increasing the confusion among them: they thus became so entangled, the one with the other, that their retreat resembled the headlong flight of a herd of buffaloes, rather than the retreat of a well-drilled regular army, as they were. In the rush back, a number were overthrown and trodden under foot. The Mexican officers exerted themselves to bring them again to the charge for the fourth time, but without avail. The cavalry could not be urged within rifle range: they contented themselves with firing their carbines at such a distance as did no execution; but they met with greater success in stabbing their infantry on; for in that manner they urgd them to the assault. They halted when within sixty yards of our lines, and held their ground under a murderous fire from our riflemen.

"It was now about dusk; and Urrea bethought himself of a plan of attack which answered but too well. He directed the Campeachy Indians, who were better marksmen than any other of his troops, to throw themselves into the tall grass

and approach, as they did, within thirty paces of our lines. They then commenced a well-directed fire upon us, which told most destructively, by wounding fifty and killing four in the space of an hour. The darkness of the twilight and the confusion arising from the smoke prevented our men from discovering the exact position of their dangerous neighbors, who were so well concealed in the grass that they could not dislodge them. Among the wounded was Harry Ripley, a youth of eighteen or nineteen, the son of General Ripley, of Louisiana; he, poor fellow, had his thigh broken soon after the Indians first took to the grass. Mrs. Cash, at his request, helped him into her cart, and fixed a prop for him to lean against, and a rest for his rifle; while in that situation, he was seen to bring down four Mexicans before he received another wound, which broke his right arm; he immediately exclaimed to Mrs. C., 'You may take me down now, mother; I have done my share; they have paid exactly two for one on account of both balls in me.' Such was the spirit that animated every man among the assailed save two, who had run under a cart early in the engagement, and covered up their heads. One of them was familiarly called Black Hawk, as he professed to be a very fire-eater—but his courage was all in his tongue.

"So soon as the darkness rendered the flashes of the Indians' guns visible, they began to pay the piper, for our boys were quick on the trigger, and at that distance took care that a second flash should not be seen from the same weapon; so they soon used them completely up, and then Urrea drew off his troops. They retired about a quarter of a mile off on each side, and rested on their arms all night. It was determined by our friends to throw up a breast-work; so the poor fellows set to work, and they dug a ditch on all sides: with the earth, their baggage, and ammunition waggons they made

a very passable fortification. The wounded suffered agonies for want of water, and by their moans and petitions for it made the situation of those who had escaped unhurt even more distressing. They, however, worked manfully, and accomplished more than could have been expected of them, wearied and thirsty as they were. During the whole night, the Mexican General caused his bugles to sound at intervals of five minutes, with the view of keeping his troops on the look-out."

Early in the morning, the Texans discovered that the labour of the night had been in vain. Urrea had received a reinforcement of 500 fresh troops, with a supply of artillery.

"The trench thrown up by the batallion offered no protection against anything but musketry, and the waggons and other baggage only served as missiles to destroy our troops, for a single discharge would have so shattered every thing that each fragment would have injured somebody. The temporary work had not been thrown up as a defence against artillery, but against infantry and cavalry; and had the artillery not been brought against it, the probability is that Fannin would have been victorious in the end, for the previous day's engagement had cut off 600 effective men from Urrea's ranks; but such another day's work was necessary to render the relative numbers of the opposing forces so nearly equal that our friends would have merely had to turn out, and knock their opponents down with the butts of their rifles. However, as soon as Colonel Fannin saw the artillery, he knew that the fate of the engagement was determined; and he called a consultation of officers, amid the cries of our wounded that he would surrender, and thus procure water for their parched tongues. Mrs. Cash, at the solicitation of some of the wounded, undertook to go to Urrea and ask him for water ere the

action again commenced. Accompanied by her little son, a lad of fourteen years of age, who had done a man's fighting during the work of the previous day, she made her way over the ground between the two contending parties, and proceeded directly to Urrea, to whom she was introduced by a Mexican officer stationed at Goliad. She made him acquainted with her errand; he did not answer her request, but fixing his eyes upon the boy's shot-pouch and powder horn, that she had neglected to take from him ere she left our lines, he exclaimed, 'Woman! are you not ashamed to bring one of such tender age into such a situation?' The boy immediately answered him, 'that, young as he was, he knew his rights, as did everybody in Texas; and he intended to have them or die.' The conversation was here interrupted by the raising of a white flag on the part of our troops, as a token of surrender, which was immediately torn into three pieces by the wind: it was blowing a stiff norther at the time. As soon as Mrs. Cash had left our lines, the officers consulted whether it was best to surrender, and it was so determined. Immediately after hoisting the flag, Captain Shackelford and Captain Chadwick, the engineer and adjutant, advanced out on the prairie and met Urrea, with whom they arranged terms;—personal safety was guaranteed to every individual; all were to have been treated as prisoners of war in civilised warfare, and private property was to have been respected. Shackelford then returned to the battalion and announced the result; our men threw their arms on the ground, Fannin alone reserving his sword, which he handed to Urrea, who had advancd to receive it. One of our men threw a lighted segar among some loose cartridges, to prevent the enemy from getting the ammunition, and they exploded, together with four kegs of powder; four men were blown up by it, which served to increase the trouble and distress."

It is positively maintained by the Texans, and supported by the evidence of three survivors of Fannin's force, that terms of capitulation were agreed upon and signed by the Mexican and Texan Commanders. These terms, it is alleged, provided that Fannin and his men should be treated as prisoners of war, marched back to Goliad, and detained nine days. At the expiration of this time, all the volunteers from the United States were to be shipped to New Orleans at the expense of the Mexican government—while Fannin and the Colonists under his command were to remain prisoners of war, until an exchange took place or the contest terminated. On the part of the Mexicans, General Santa Anna denied that quarter was offered, or a treaty made, and has backed his assertion by the following summary of General Urrea's official report:—

"Being in sight of Goliad (where Fannin was stationed with his party), he (Urrea) was informed that the enemy was on the retreat towards Victoria, which was not perceived before, on account of a very thick fog. He immediately followed in pursuit and overtook him at a place called Encinal del Perdido, where he fought him until night. On the next day he received part of his artillery and infantry, with which he continued the action. Fannin then, seeing his inevitable loss, hoisted a white flag, and sent a paper, written with a pencil, containing some articles, offering to surrender if they were guaranteed, &c., to which he (Urrea) answered in the negative, adding if they did not instantly surrender, he would renew the action. Fannin then surrendered and gave up his arms, &c., leaving everything in possession of General Urrea,

who sent the wounded and prisoners to Goliad, and proceeded to Victoria."*

From the scene of action the Texans were marched about nine miles back to Goliad, where they were stripped of every article of defence, even to their pocket knives, and served with an allowance of beef hardly sufficient to support life. For the circumstances which preceded their ultimate disposal by their captors, I shall refer to the statements of General Filisola, the Mexican officer next in authority to the President Commander-in-Chief. These statements are contained in a publication entitled "A Representation addressed to the Supreme Government, by General Vicente Filisola, in Defence of his Honour, and in Explanation of his Operations as Commander-in-Chief of the Army of Texas."†

According to General Filisola, whose exposition of the campaign appears creditable to his judgment as a soldier and his feelings as a man, Santa Anna was so elated with the capture of the Alamo and the defeat of Dr. Grant, that he supposed the enemy would cease to offer resistance, and that the war was virtually concluded. Under this impression, he began to apportion his force to different quarters, for taking possession of Texas. On the 11th of March he caused Generals Sesma and Woll to move, in order to occupy San Felipe

* Letter to the President of Texas from General Antonio Lopez de Santa Anna, dated Velasco, May 23, 1836.

† *Representacion dirigida al Supremo Gobierno, por el General Vicente Filisola en Defensa de su Honor y Aclaracion de sus Operaciones como General en Gefe del Ejercito sobre Tejas.—Mexico: impreso por Ignacio Cumplido, calle de los Rebeldes, Casa,* N. 2, 1836.

de Austin, with instructions to continue on to Harrisburg and Anahuac, with the battalions of Aldama, Matamoros, and Toluca; fifty dragoons from the regiment of Dolores, two six-pounders and rations for eight days —this section forming an entire force of 725 men. He ordered, on the same day, Colonel Juan Morales to march for Goliad, with the battalions of San Luis and Ximenes, one twelve-pounder, one eight-pounder, one mortar, and rations for a month. Advices from General Sesma announced the disposition of the enemy to defend the pass of the river Colorado with 1,200 men, and information was received from General Urrea of his departure from San Patricio for Goliad, which it was said the Texans had fortified, with the intention to resist, with 500 infantry and fourteen pieces of artillery of various calibre. In consequence of this intelligence, General Santa Anna ordered General Tolsa to reinforce Sesma with the battalion of Guerrero, the first battalion of regular milita of Mexico, and forty dragoons of Tampico; and he sent Colonel Cayetano Montayo to reinforce Urrea with the regular militia from Tres Villas and Queretaro, and a twelve-pounder—all these troops carrying rations for a month.

The confident spirit which dictated these movements was heightened when General Santa Anna learned from Urrea that the enemy, having abandoned the post of Goliad, were overtaken on the road to Guadalupe Victoria, at the place called Encinal del Perdido, where they had capitulated,* leaving in his possession all their artillery, baggage, and effects. On the 24th of March,

* "*En donde habian capitulado*" are the words of the Hispano-Mexican text.

General Gaona was ordered to Nacogdoches, with the battalion of Morelos and militia of Guanaxuato, two four-pounders, twenty frontier dragoons, fifty convicts, and rations for forty days. The strength of this section, including convicts, was 725 men. Not only did Santa Anna make arrangements for the permanent occupation of Texas, under the presumption that the contest was at an end, but, entertaining the belief that his presence in the country was no longer necessary, and that he ought to return to the capital of Mexico, he made preparations for resigning the command to General Filisola.

"With this understanding, he ordered General Urrea, on the 25th of March, to scour all the points on the coast from Guadalupe Victoria to Galveston, with the knowledge that his left wing was to be covered by the division of General Sesma; and that, under his most strict responsibility, he should fulfill the orders of the government, shooting all the prisoners; and as regards those lately made" (Fannin and his men) "that he should order the Commandant of Goliad to execute them—the same instructions being given to Gaona and Sesma with respect to all found with arms in their hands, and to force those who had not taken up arms to leave the country."*

It was also announced in a general order of the day, that the whole brigade of cavalry, under the command of General Andrade, with the artillery at head-quarters,

* "*En esta inteligencia, previno al General Urrea el 25 recorriese todos los puntos de la Costa, desde Guadalupe Victoria a Galveston, en el concepto que su izquierda estaba cubierta por la seccion del Sr. Sesma, y que bajo su mas estrecha responsabilidad cumpliese con las ordenes del gobierno, haciendo*

and a large amount of regimental property, should be got in readiness to leave Texas on the 1st of April for San Luis Potosi.

About 400 Texan prisoners, including those of Ward's detachment, were at the fort of Goliad, when General Santa Anna ordered their execution, in accordance, as he afterwards declared, with the law of the Supreme Government. On the morning of the 27th of March, these prisoners, with the exception of two or three medical men, who were retained to aid the Mexican wounded, and some privates employed as labourers, were marched out of the fort, ostensibly for the purpose of driving in beeves. They were divided into sections, and each section was under the escort of a strong Mexican guard. After proceeding about 300 yards, they were ordered to halt and throw off their blankets and knapsacks. Before they had time to obey the order, a fire of musketry was opened upon them, and what the bullets left unfinished, the sabres of the cavalry completed. A very few, who were uninjured by the first fire, leaped a fence of brushwood, concealed themselves in a thicket, and, swimming the San Antonio, succeeded in rejoining their countrymen beyond the Colorado.

Fannin, wounded in the action of the 19th, had been placed apart from his men. Informed of the order of

pasar por las armas a todos los prisioneros, deciendose respecto de este ultimo, otro tanto al comandante de las armas de Goliad para la ejecucion, siendo esta misma la orden que habian llevado Gaona y Sesma con cuantos aprendiesen con las armas en la mano, y hacer salir del pais a los que no las hubieren tomado."—Representacion de General Vicente Filisola, pp. 10, 11.

the Mexican commander, he declared himself ready to meet his fate. When arrived at the appointed shambles, he thrust aside the hand of a soldier who was trying to bind a handkerchief around his head,—laid bare his breast, and fell.*

There is no reason whatever for supposing that Fannin and his followers would have laid down their arms without an understanding that their lives were to be spared. They were not men to yield themselves like sheep for the slaughter. The phrase "*capitulado*," used by General Filisola in alluding to Urrea's report of their capture, indicated his belief that stipulations had preceded their surrender. All the volunteers who escaped from butchery, however, they might vary as to the details of the engagement, concurred in stating that they were to be prisoners of war, and private property was to be respected. But even had no condition been agreed upon, the order by which they suffered was to the last degree atrocious. In this light it was viewed by Filisola, when exposing the equivocal character of Urrea's successes at San Patricio, Refugio, and the Encinal del Perdido. "For every one of these skirmishes," says this Mexican general of Italian birth, "Urrea de-

* Most of the bodies were burnt, and, in the month of June following, General Rusk and the Texan troops collected the skeletons and bones in front of the fort, and buried them with the honours of war. On this occasion, General Rusk delivered a touching address over the promiscuous grave of these brave men. The cruelty and perfidy of the execution rendered Urrea and the other subordinates in command anxious to exculpate themselves at the expense of Santa Anna, who essayed to justify the act. "If," he said, "some military commanders have complied with the instructions of their government, to whom they owe obedience, they do not deserve to be vilified and accused."

served a court-martial and condign punishment, for having *assassinated* in them a number of brave soldiers, as he might have obtained the same results without this sacrifice."* The assassination was more than a crime—it was an egregious blunder, by which every chance of the establishment of Mexican rule in Texas was utterly swept away. From the hour that the fate of Fannin and his comrades was known in the United States, a spirit was awakened that rendered it impossible for the nation whose authorities decreed the massacre, to regain its dominion on the American frontier.

Among the volunteers with Fannin in his retreat were Dr. Shackelford and his Red Rovers. They formed the front of the square in the engagement of the 18th, and distinguished themselves by active gallantry. Five were killed, and more than half the company wounded, in the battle. In the list of wounded were the commander himself, his son, and a nephew. At Goliad, Dr. Shackleford, robbed of his clothes and scantily fed, was obliged to attend the Mexicans in hospital. On the day of the massacre he was taken to a tent, under the plea of being required to assist some wounded officers. He heard the report of the musketry, and could see, through the branches of the trees, his companions in their efforts to escape. His son and his two nephews were stretched lifeless upon the plain. After the bloody work was over, the doctor was marched through the gate of the fort, past the mangled corpses of his relatives

* "*Por cada una de estas escaramuzas, merecia el Sr. Urrea un consejo de guerra, y el castigo condigno, por haber asesinado en ellas porcion de soldados valientes, debiendo sin este sacrificio haber obtenido iguales resultados.*"—Representacion, &c., p. 29.

and countrymen, and forced to labour incessantly in the hospital, subjected to the vilest treatment. A few weeks afterwards he was sent to attend the hospital at Bexar, whence he effected his escape along with a medical friend. Having obtained an honourable discharge from the Texan army, he hastened to join his family and friends in Alabama, and, on reaching Courtland, found that, in full assurance of his having perished at Goliad, funeral ceremonies had been performed for him, accompanied by the honours of war.

Remonstrances addressed by Filisola to Santa Anna, through his confidential friend and *aide-de-camp*, Colonel Almonte, together with a representation made to him by Sesma, from the right bank of the Colorado, on the 15th, induced him to suspend the order for the return of the cavalry and infantry to San Luis Potosi, and to relinquish his intention to depart for the Mexican capital. Countermanding his instructions to Gaona, he ordered that general, on the 25th of March, after passing the Colorado at the town of Bastrop, to move towards San Felipe de Austin. Directing Urrea to pass the Colorado at Matagorda, and advance to Brazoria, he decided on concluding in person the remaining operations. On the 29th of March, the battalion of Zapadores, and that of Guadalaxara, under Colonel Amat, marched from San Antonio de Bexar, in the direction of Gonzalez, with two eight-pounders, two four-pounders, a howitzer, and rations for a month. Generals Santa Anna and Filisola, with the staff, followed on the 31st.

The army under Houston, which mustered about 1,300 men, impatient for action, occupied a position at

Beason's Ferry, on the Colorado, until the 26th of March. Having learned that there was a division of the enemy above and another below him, and that large reinforcements had joined them, Houston determined, on the 26th, to fall back upon the Brazos, apprehensive of being surrounded along with an army that was the main hope of Texas, being composed almost exclusively of the settlers themselves. Foreseeing that if the enemy should move to his rear, he would have to starve on the left bank of the Colorado, leaving the country unprotected, or share the fate of Fannin in his attempt to cross the prairies, he ordered a retreat to San Felipe, which he reached without molestation on the 27th. Leaving a detachment at San Felipe, and forwarding another to Fort Bend (half-way between Columbia and San Felipe), he moved with the main body to Groce's Ferry. This was the best and easiest crossing-place on the Brazos, and therefore the point most likely to be aimed at by the Mexicans. By securing the steam-boat Yellowstone, lying at this point, Houston obtained the means of transporting his troops to any part of the river where the enemy should appear.

On the evening of the 29th, some scouts, detached by Captain Baker, who commanded at San Felipe, made an erroneous report of the appearance of the Mexicans within a few miles of the town. The inhabitants, after hastily removing a part of their property beyond the Brazos, set fire to the town and destroyed with it goods to the amount of several thousand dollars, which might have been saved, had not the scouts mistaken a drove of cattle for a squadron of cavalry.

General Santa Anna arrived at Gonzalez on the 2nd

of April; and, the river being swollen, it was necessary to pass it on a raft. Anxious to advance, he proceeded on the 3rd, with his staff and picket, to join General Sesma, on the Colorado, leaving to Filisola the charge of conducting the troops across the Guadalupe. On the 5th he arrived at Paso del Atascosito, and on the 6th marched with the divisions of Sesma and Tolsa to San Felipe, which he reached on the 7th. General Woll was left at Atascosito, with a battalion and a picket of cavalry, for the purpose of constructing a raft to transport the artillery, waggons, and ammunition, that were coming up with Filisola, across the Colorado.

The swell of the Brazos, and the opposition of the detachment under Captain Baker, prevented Santa Anna from crossing the river at San Felipe. On the 9th of April, he took the choice companies and proceeded down the river, to select a suitable crossing-place. On the 11th, he arrived at the Old Fort, and despatched orders to Sesma and Filisola to join him there. He was joined by the former on the 13th, and without waiting for additional reinforcements, crossed the river and marched to Harrisburg, which he reached in the afternoon of the 16th. Almonte's Journal contains the following record of the march from San Felipe.

"*Saturday, 9th.*—At 5 A.M. we left San Felipe with the choice companies of Guerreros, Matamoros, Mexico, and Toluca, and fifty cavalry of the regiment of Tampico and Dolores. At half-past twelve o'clock we arrived at the farm of Colls, and another a mile beyond—in all six and a half leagues. Three Americans were seen, who took the road to Marion, or Orozimbo, (Old Fort,) and leading to Thompson's ferry. We found at the farm a family from La Baca,

who came by the way of the Brazos. Various articles were also found. The husband of the woman was a mulatto, the woman white. We sent Wilson (the mulatto) to reconnoitre at Marion, that is, at the ferry. He did not return. It rained some in the night, and the wind changed to the north.

"*Sunday, 10th.*—We remained at Coll's farm, waiting for our scout. The farm is on the left bank of the river San Bernardo. At a house seven leagues from the farm, on the road leading to the Colorado, there were 500 fanegas of corn and twenty barrels of sugar. In the afternoon the scout returned, and confirmed the accounts we had received of the position of the enemy. At a quarter before four o'clock, P. M., we took up our march for Marion, or Old Fort, on the road from Brazoria. At half-past five o'clock we made a short halt at the farm of the widow Powell, or rather at a stream called Guajolota; from thence leaving the road from Brazoria on our right, we took the left, following the waggon tracks to Marion. We marched until half-past nine at night, and made another short halt. Night dark. At two in the morning we commenced the march on foot, from the President down to the soldier, leaving the baggage and cavalry, for the purpose of surprising the enemy, who defended the crossing place, before day-light. We did not succeed, as we found the distance double what we supposed it to be. Day broke upon us at a quarter of a league from the ferry and frustrated our plan. We then placed the men in ambush. The stream of Guajolota is seven and a half leagues from Marion, road level, with some miry places.

"*Monday, 11th.*—Still in ambush. A negro passed at a short distance and was taken. He conducted us to the place he had crossed at, and having obtained a canoe we crossed without being perceived, a little below the principal crossing place. In the mean time the cavalry arrived at Marion and

took possession of the houses. The enemy retired on the other side, and kept up a fire for a long time, until the Cazadores under command of Bringas crossed at the lower ford, and, ascending the river, were about to take them in the rear, when they abandoned Marion, and we remained in possession of the ferry, one canoe, and a flat boat. A courier was despatched to General Sesma, with orders that he should come up with the whole division. The Cazadores slept on the other side of the river.—Rain during the night.

"*Tuesday, 12th.*—Day clear and fine. Was occupied in procuring the canoes and going up in the flat boat to Thompson's ferry. A Mexican and a Prussian came in. The Mexican is the son of Delgardo. In the afternoon the boat was injured. A courier came in from Guadaloupe and from General Sesma. Wrote to Urrea at Matagorda.

"*Wednesday, 13th.*—The boat was repaired. The division of General Sesma arrived. Many articles were found. General Urrea and F. V. Fernandez were written to. Despatches arrived from Urrea and Filisola.

"*Thursday, 14th.*—We crossed the river early with our beds only and provisions for the road. At three in the afternoon we started from Thompson's ferry.

"*Friday, 15th.*—At Harrisburg. [In pencil.]

"*Saturday, 16th.*—At Lynchburg. [In pencil.]"

Having crossed the Brazos on the 12th of April and forwarded despatches to the eastern settlements, threatening to carry the war to the doors of the Colonists in that quarter if they did not turn out, and ordering some volunteers from the United States, then advancing to reinforce him, to halt and fortify on the Trinity,—General Houston diverged from his line of march eastward,

and proceeded towards Harrisburg, the neighbourhood of which he reached on the 18th. The capture of a Mexican courier by Erastus Smith (from imperfection of hearing called Deaf Smith), a Texan scout, whose courage and activity had rendered most important service to the Colonists, put Houston in possession of despatches from Filisola, showing the enemy's position, plans, and movements. On the morning of the 19th, he led his troops down the right bank of the Buffalo Bayou, to within about half a mile of its junction with the San Jacinto river, and on the 20th took up a position, having in his rear a border of timber that margined the Bayou, and in front an extensive prairie interspersed with a few "islands" of wood. Houston had now determined to fight Santa Anna before he was reinforced by the divisions of his lieutenants as appears from the following note, transmitted by him to Colonel H. Raguet, at Nacogdoches.

"*Camp at Harrisburg*, 19th April, 1836.

"This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time I have looked for reinforcements, in vain. The Convention adjourning to Harrisburg struck panic throughout the country. Texas could have started at least 4,000 men; we only have about 700 to march with, besides the camp guard. We go to conquer. It is wisdom growing out of necessity to meet and fight the enemy now. Every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits, and now is the time for action.

"Adjutant-General Wharton, Ins. Gen. Hockley, aide-de-camp Horton, aides-de-camp W. H. Patton, Collinsworth.

"Volunteer aids Perry, Perry.

"Maj. Cook, Assistant Insp.-Gen. will be with me.

"We shall use our best efforts to fight the enemy, to such advantage as will insure victory, though the odds are greatly against us. I leave the result in the hands of a wise God, and rely upon his providence.

"My country will do justice to those who serve her. The rights for which we fight will be secured, and Texas free.

"SAM HOUSTON, *Commander-in-Chief.*

"Col. Rusk is in the field.

"HOUSTON."

At about ten o'clock in the morning of the 20th, the Texans were apprized of Santa Anna's approach, and about half-past eleven they were saluted by the discharge of a field-piece, which they returned from two six-pounders, the only cannon they had, and for which they were indebted to the liberality of the citizens of Cincinnati, in Ohio. The details of the battle of Jacinto, and the previous movements of the Texan army, are accurately stated in General Houston's Report to President Burnet, which, in consideration of the important consequences of the events therein narrated, I publish at length:—

"*To his Excellency* D. G. BURNET, *President of the Republic of Texas.*

"Head Quarters of the Army, San Jacinto, April 25, 1836.

"SIR,—I regret extremely that my situation since the battle of the 21st has been such as to prevent my rendering you my official report of the same, previous to this time.

"I have the honour to inform you, that on the evening of

the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of his choice troops, had marched in the direction of Lynch's Ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear.—We continued to march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At day-light we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's Ferry. The Texan army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry in column advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the

troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced fortification. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded, and several horses killed. In the mean time, the infantry under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half-past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy in the mean time extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half-past three o'clock in the evening I ordered the officers of the Texan army to parade their respective commands, having, in the mean time, ordered the bridge on the only road communicating with the Brazos, distant eight miles

from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The 1st regiment, commanded by Colonel Burleson, was assigned the centre. The 2d regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery, under the special command of Colonel George W. Hockley, Inspector-General, was placed on the right of the 1st regiment; and four companies of infantry, under the command of Lieutenant-Colonel Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

"Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, raised the war-cry '*Remember the Alamo!*' received the enemy's fire,

and advanced within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork—the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within 70 yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stand of colours, all their camp equipage, stores, and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before—Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The rout commenced at half-past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of them mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded 208, of which were five colonels, three lieutenant-colonels, two second lieutenant-colonels, seven captains, one cadet. Prisoners 730—President General Santa Anna, General Cos, four colonels, aids to General Santa Anna, and the Colonel of the Guerrero Battalion, are included in the number. General Santa Anna was not taken until the 22nd, and General Cos yesterday, very few having escaped.

About 600 muskets, 300 sabres, and 200 pistols have been collected since the action; several hundred mules and horses were taken, and nearly 12,000 dollars in specie. For several days previous to the action, our troops were engagd in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, badly supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

"Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured that they demeaned themselves in such a manner as proved them worthy members of the army of San Jacinto. Colonel T. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Colonel Sherman's command first encountered and drove in the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

"I have the honour of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published, as an act of justice to the individuals. For the Commanding General to attempt discrimination as to the conduct of those who commanded in the action or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules

the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country.

"I have the honour to be, with high consideration,

"Your obedient servant,

"SAM HOUSTON,

"Commander-in-Chief."

When they advanced to the charge, General Houston jocularly ordered the musicians to play, as a welcome to Santa Anna, the familiar English tune, "Will you come to the bower I have shaded for you." The victory was so sudden and complete that the Texans were astonished at their own success. Their feelings may be surmised from the following extract of a letter from Captain Tarlton, a volunteer, who was in the action, to a relative in Kentucky, written the day after the engagement:—

"At half-past three we were ordered to prepare for battle, which was soon done; and then commenced a conflict the parallel of which, I presume, cannot be found on record. To see a mere handful of raw, undisciplined volunteers, just taken from their ploughs and thrown together with rifles without bayonets—no two perhaps of the same calibre—and circled only by two pieces of artillery (six-pounders), and a few musketeers, some with and some without bayonets, and some forty or fifty men on horseback, to meet the trained bands of the hero of so many victories; to see them with trailed arms marching to within some sixty or seventy yards of such an army, at least double in number, intrenched, too, behind a breastwork impregnable to small arms, and protected by a long brass nine-pounder;—to see them, I say, do all this, fear-

less and determined to save their country and their country's liberty or to die in the effort, was no ordinary occurrence. Yet such was their conduct, and so irresistible was that Spartan phalanx, that it was not more than from fifteen to twenty minutes from our first fire until a complete rout of the enemy was effected; and such slaughter on the one side, and such almost miraculous preservation on the other, have never been heard of since the invention of gunpowder. The commencement of the attack was accompanied by the watchwords, 'Remember the Alamo, Goliad, and Tampico!' at the very top of our voices; and in some ten minutes we were in the possession of the enemy's encampment, cannon and all things else, while his veterans were in the greatest possible disorder, attempting by flight to save their lives. I happened to be so placed in the regiment to which I was attached that I was enabled to be the third man who entered the intrenchment, which I soon left in company with the balance of the regiment, in pursuit of the defeated enemy of Texan liberty. I feel confident that I do not exaggerate when I state that their loss in killed is nearly, if not quite, equal to the whole of our number engaged; whilst we had only six killed on the spot and some twelve or fifteen wounded, two of whom have since died. The number of our prisoners has not yet been officially announced, but I should suppose it to be nearly, if not quite, 600, many of whom are wounded. So complete has been our triumph and their defeat, that my antipathy to them has subsided, and I now commiserate their condition."

Some of the newspapers of the United States have asserted, that the men who fought and won the battle of San Jacinto were chiefly volunteers from the States: this is not the fact. The names of the officers and men engaged in the action were published, and in the list,

which is before me, more than three-fourths of the whole are Anglo-American settlers. Among the exceptions I find the names of nineteen Mexicans and their captain (Juan N. Seguin); but these were natives of Texas—opponents of centralism and military rule.

If the Texan army fell off in numbers after retiring from the Colorado, and if the Colonists failed to take the field according to the expectations and wishes of the Commander-in-Chief, the circumstances of their situation supply a powerful plea in extenuation of their conduct.—They were farmers; they had property to remove; they had wives and children to protect. Before them appeared the fugitive families whom the war had already reduced from comfortable independence to houseless beggary:—"A large proportion of the population, from the Neuces to the Sabine, had abandoned their homes; and many of them in circumstances of great distress. Their stock was left to run wild, or be consumed by the enemy, or stolen by ruffians more destructive and abominable than the common foe. Their plantations were going to waste, and the planted crops bade fair to succumb to the rank luxuriance of weeds. In short, the country was verging upon general desolation!"* With many of the Colonists General Houston's plan of retreating, and luring the Mexicans towards the frontiers and far from supplies was unpopular. They would have preferred giving battle to the enemy, for the protection of the settlements, on the Colorado. But the army displayed great constancy and fortitude, not-

* President Burnet's Statement of Affairs, addressed to the People of Texas, published in the *Telegraph* Newspaper at Columbia, on the Brazos, September 26, 1836.

withstanding the disheartening nature of the movements dictated by military prudence. And its fatigues and privations were extreme: beef, without bread, and frequently without salt, formed its support for a considerable period, while many of the men were bare-footed, and most of them without a change of clothes.

Generals Santa Anna and Cos were captured on the day succeeding the battle of San Jacinto. A party despatched from the Texan camp took the former, alone, unarmed, and disguised in common apparel, on Buffalo Bayou, and were ignorant of his name and rank until they brought him to General Houston, to whom he announced himself as President of the Mexican Republic and Commander-in-Chief of the army. Houston had been wounded in the ankle, and was slumbering upon a blanket, at the foot of a tree, with his saddle for a pillow, when Santa Anna approached, squeezed his hand, and pronounced his name. By desire of the Texan commander he seated himself on a medicine chest, and seemed greatly agitated. Some opium having been supplied to him at his request, he swallowed it, and appeared more composed. He said to Houston, "You were born to no ordinary destiny: you have conquered the Napoleon of the West!" After some conversation respecting the slaughter of the garrison at the Alamo and the massacre at Goliad, which Santa Anna defended, Houston gave him the use of his camp-bed, and he retired for the night,—but not to sleep, for he dreaded the vengeance of the Texan troops, the majority of whom were anxious for his execution, as the murderer of Fannin and his comrades. It was only by the exercise of extraordinary firmness on the part of General

Houston and his officers, that his life was preserved. After due deliberation, the Texan general agreed upon a convention with his prisoner, who, in accordance with its provisions, ordered Generals Filisola and Gaona to retire to San Antonio de Bexar, and Urrea to Victoria. These officers, with the remainder of the Army of Operations, were posted at Old Fort, Columbia, and Brazoria, with the exception of Gaona's division, part of which had crossed the Brazos. By Filisola's orders the whole force was concentrated on the 25th of April, and commenced a counter-march (for the purpose of reorganising) on the 27th. before intelligence had been received of the armistice concluded between Santa Anna and Houston.* That intelligence reached Filisola on the 28th, at the San Bernard, whence General Woll, who understood the English language, was despatched to the Texan camp, with assurances that the conditions of the armistice would be fulfilled, and that the Mexican army was about to repass the Colorado. Deluging rains, which converted the rich loam of the district between the Brazos and the Colorado into a mass of mud, were the cause of much delay, heavy labour, and sore distress to the retiring invaders. By dint of the utmost exertion, they succeeded in dragging the artillery and waggons through the saturated soil. Filisola, in a despatch to the Secretary of War, represented the night of the 30th of April as "horrible;"* artillery, cavalry, sick, baggage-mules, everything that accompanied the army, was a chaotic mass "buried in mud." There was

* The dispositions of the Mexican army are given on the authority of Filisola, who succeeded to the chief command after Santa Anna's capture.

* "La noche fue horrorosa."

not a splinter of wood, even for cooking, except with the baggage and arms; the provisions were reduced to a few bushels of beans and salt; the ammunition was wet, and not a musket capable of striking fire; dysentery was commencing its ravages, and there were neither means of cure nor medical attendants. "Had the enemy," observes the Commander-in-Chief, "met us under these critical circumstances, on the only road that was left, no alternative remained but to die or surrender at discretion." The Texans watched the retreat; and had they not been governed by fidelity to their engagements, not a man of the army that was mustered for their extermination would ever have recrossed the Colorado. The passage of this river was effected with difficulty; and, for the purpose of obtaining supplies by sea and opening a communication with the interior, Filisola established his headquarters at Goliad, while Urrea returned with his division to Matamoros. Texan cruisers, which had been active on the coast, having shut out the hope of maritime succour, Goliad was evacuated in ten days, and the retreat commenced for the Rio Grande.

The Government, *ad interim*, of Texas had removed, on the advance of the enemy, from Washington to Harrisburg, and thence to the island of Galveston, where news of the victory at San Jacinto arrived in the afternoon of the 26th of April. The island, which was nearly destitute of military protection, was a place of refuge to the helpless portion of the population, and contained many women and children, whose health was giving way for lack of proper sustenance and shelter. From Galveston, President Burnet proceeded to the camp of General Houston, at San Jacinto, where he

arrived on the 1st of May. In a letter to the Secretary of War, dated the 3rd of May, certain propositions had been recommended to the Executive by the General as the basis of an arrangement with Santa Anna, the most of which were embraced in a treaty of which the following is a copy.

ARTICLES of an AGREEMENT made between his Excellency the General-in-Chief of the Army of Operations, President of the Mexican Republic, Don Antonio Lopez de Santa Anna, for one party, and his Excellency the President of the Republic of Texas, Mr. David G. Burnet, for the other party.

ART. 1st. General Antonio Lopez de Santa Anna agrees not to take up arms, nor to influence their being taken up, against the people of Texas, during the actual strife of independence.

ART. 2d. Hostilities shall immediately cease, by sea and land, between the Mexican and Texan troops.

ART. 3d. The Mexican troops shall evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

ART. 4th. The Mexican army, in its retreat, shall not make use of the property of any person without their consent and just indemnification, taking articles only necessary for their subsistence, when the owners should not be present; and sending to the general of the Texan army, or to the commissioners for the arrangement of such matters, advice of the value of the property consumed, the place where taken, and the name of the owner, should it be known.

ART. 5th. That all private property, including cattle, horses, negro slaves, or persons contracted, of whatsoever denomination, which may have been taken by a part of the Mexican army, or which should have taken refuge in said army from the commencement of the last invasion, shall be returned to

the commander of the Texan forces, or to the persons that should be named by the government of Texas in order to receive it.

Art. 6th. The troops of both belligerent armies shall not be placed in contact, and for this end the Texan general shall take care that between the two encampments a distance shall interven of five leagues at least.

Art. 7th. The Mexican army shall not delay any more in their march than is necessary to take off their hospitals, trains, &c., and pass the rivers, considering as an infraction of this agreement the delay, which, without just motives, should be noted.

Art. 8th. This agreement shall be forwarded by speedy express to Vicente Filisola, general of division, and to General T. J. Rusk, commander of the army of Texas, that they may remain bound as far as appertains to them, and being mutually agreed, may arrange the speedy and due execution of the stipulations.

Art. 9th. That all the Texan prisoners at this time in the power of the Mexican army, or in that of any of the authorities of the government of Mexico, be immediately placed at liberty, and passports given to them, so that they may return to their homes; it being the duty on the part of the government of Texas also to place at liberty a corresponding number of Mexican prisoners, of the same rank and station, and to treat the remainder of said Mexican prisoners who may remain in the power of the governmnt of Texas with all due humanity, charging the government of Mexico for the expenses caused in their behalf, when any extra convenience should be afforded them.

Art. 10th. General Antonio Lopez de Santa Anna shall be sent to Vera Cruz as soon as may be thought proper.

And for its fulfillment and consequent effects, the contracting parties sign it by duplicate in the port of Velasco, on the 14th of May, 1836.

ANTONIO LOPEZ DE SANTA ANNA.
DAVID G. BURNET.
J. COLLINSWORTH, Secretary of State.
BAILEY HARDIMAN, Secretary of Treasury.
P. W. GRAYSON, Attorney-General.

This Treaty was presented to Filisola, and ratified by him on the 26th of May, it being further agreed that Texan Commissioners should accompany the Mexican army, and superintend the execution of the stipulations its commander was called upon to fulfil. A secret treaty, also signed on the 14th of May, by President Burnet and Santa Anna, stipulated that the latter should arrange for the favourable reception by the Mexican cabinet of a mission from Texas,—that a treaty of amity and commerce should be established between the two Republics,—that the Texan territory was not to extend beyond the Rio Grande,—and that the immediate embarkation of Santa Anna for Vera Cruz should be provided for—his "prompt return being indispensable for the purpose of effecting his engagements."

Instructions were forwarded by the Supreme Government of Mexico to Filisola, through the Secretary of War and Marine, to negotiate for the liberation of the President Commander-in-Chief, to secure Bexar and the western ports, and to "save the remainder of the army by concentrating it at a convenient place for receiving provisions." Authority was given to the General "to form that movement, to propose exchanges, and to preserve, for this purpose, and because humanity re-

quired it, the lives of the prisoners made and that might be made from the enemy." The government relied upon his Excellency's prudence for neither compromising the safety of the President, nor the honour of the nation. By retreating to the Rio Grande, Filisola had secured the safety of Santa Anna; he professed to have been always opposed to the execution of the prisoners, and now the captured Mexicans were six-fold more numerous than the Texans in his power. Bexar he deemed untenable, and he therefore recalled from it General Andrade and the garrison, destroyed the cannon he was unable to remove, and dismantled the fortification of the Alamo.

The campaign of 1836 terminated with the battle of San Jacinto, which sealed the independence of the republic. Even had the Mexicans been victorious in that engagement, it was Filisola's opinion that the condition of the army would have been very little improved. Had the whole force crossed the Brazos, it would have had three large rivers in its rear, unguarded by any detachment, while the camp was burdened with the sick, for whom there was neither medical aid nor food—the habitations and means of subsistence, provided by the industry of the Colonists, having been reduced to ashes by their own hands. Their cattle furnished the only article of sustenance, and the last remnant of these was eaten up by the retreating Mexicans.

Houston's plan of the campaign, although it bore hard upon the Colonists, ensured ultimate success. Had he fallen back as far as Nacogdoches, which he seems to have, at one time, contemplated, the settlers would have placed their women and children and movable

property beyond the frontier, and then have joined his standard, to the amount of four or five thousand men. The volunteers from the United States, of whom several hundred arrived at Galveston soon after the battle of San Jacinto, would have fallen upon the Mexican rear, and prevented the escape of a single man, even had Santa Anna's troops been in an efficient state. The vessels in the Texan service commanded the coast, and could have landed troops at any point. In a renewal of the war, the Mexicans would have had to encounter more formidable obstacles, and to incur a heavier expense than before. All the country beyond the river Trinity would have been a battle-field, where every requisite for the maintenance of an army was to be created. Hunger, the rifle, and exposure to the vicissitudes of the climate were sure ultimately to annihilate the largest army that Mexico could bring into the field; and the result of a prolonged contest must have been, to draw from the north, to the debatable territory, a swarm of adventurers, combining in an extraordinary degree all the qualifications for military life, and who, after assisting Texas in its struggle for independence, would probably have marched for the "city of Montezuma." To Mexicans and Europeans this might seem an idle and impracticable project, but the class of men who would dare to undertake it are not likely to miscalculate their means of success in any enterprise. The warlike character of the population on the south-western frontier of the United States I have already noticed, and their aptitude for service may be estimated by a proposition made by General Gaines, of the regular army of the United States, to his government, arising

out of disagreements with Mexico in 1836-37. "If I am permitted," said the General, "to make an arrangement, in accordance with the foregoing suggestions, I feel confident that I can thereby obtain and call to the frontier, ready for an active campaign to the city of Mexico, from fifty to one hundred thousand first-rate men, for the most part mounted, before the first day of October next—the time they should march westward from the Sabine." This letter of General Gaines was written on the 22nd of May.*

* Documents of the United States Congress, No. 351, p. 821.

TEXAS:

THE

RISE, PROGRESS, AND PROSPECTS

OF THE

REPUBLIC OF TEXAS.

BOOK III.

NARRATIVE OF TEXAN AFFAIRS SUBSEQUENT TO THE BATTLE OF SAN JACINTO—SOCIAL ASPECT AND PROSPECTS OF THE REPUBLIC.

"It is not to be imagined that the impulse of the Anglo-Saxon race can be arrested. Their continual progress towards the Rocky Mountains has the solemnity of a providential event. Tyrannical government and consequent hostilities may retard this impulse, but cannot prevent it from ultimately fulfilling the destinies for which that race is reserved. No power on earth can close upon the emigrants the fertile wilderness, which offers resources to all industry, and a refuge from all want. Future events, of whatever nature they may be, will not deprive the Texans of their climate, their bays and rivers, or exuberant soil. Nor will bad laws, revolution, or anarchy be able to obliterate that love of posterity and that spirit of enterprise which seem to be the distinctive characteristic of their race, or extinguish that knowledge which guides them on their way. Thus, in the midst of the uncertain future, one event is sure. At a period which may be said to be near, the Anglo-Americans alone will cover the immense space contained between the Polar Regions and the Tropics, extending from the coast of the Atlantic to the shores of the Pacific Ocean."

DE TOCQUEVILLE'S *America.*

CHAPTER I.

Arrival of Volunteers at Galveston—Orders of the United States Government for the Protection of the Frontier—Protest of Gorostiza—Embarkation and ultimate Detention of Santa Anna—Mirabeau Lamar—Protest of Santa Anna and President Burnet's Reply—Election of President and Meeting of Texan Congress—Threatened Mexican Invasion—Legislative Proceedings—Death and Character of Stephen Austin.

In consequence of his wound, received at San Jacinto, General Houston retired from active duty, and removed for the benefit of regular medical attendance to New Orleans. T. J. Rusk was appointed to the command of the army, his vacated office of Secretary of War being conferred upon Mirabeau Lamar. A division of the army under Rusk advanced to Goliad, to superintend the observance by Filisola of the conditions stipulated by his chief.

A considerable number of volunteers from the United States arrived at Galveston about the end of May. Felix Huston, an eminent and successful lawyer of Mississippi, had incurred an expense of 40,000 dollars in the spring for the purpose of equipping 500 armed emigrants to Texas. The ladies of Nashville, moved by the appeals of Stephen Austin, who, with his fellow Commissioners, delivered public addresses in behalf of the Texan cause in the chief cities of the Union, furnished the means of arming and transporting a company of volunteers. These and similar movements in progress in Kentucky and North Carolina, the Mexican Minister at Washington, Gorostiza, represented and

denounced to the Secretary of State, Mr. Forsyth, who directed the legal authorities in the several places to inquire into the transactions alluded to, and institute such proceedings as might be necessary to protect the neutral relations of the United States. In the case of Felix Huston, the district attorney at Natchez, "after using great exertions to obtain a warrant, failed to do so." Popular feeling, excited against the Mexicans in consequence of the execution of their prisoners, neutralized the endeavours of the Federal officers.

In obedience to instructions from President Jackson, General Gaines began, at the close of March, to arrange for the defence of the western frontier of Louisiana. The President, adopting a suggestion of the General, authorized him "to take such a position on either side of the imaginary boundary line" between Mexico and the United States, "as might be best for the defensive operations," with the understanding that he would "under no circumstances advance further than old Fort Nacogdoches, which was within the limits of the United States, as claimed by the government." Nor was he to exercise the permission then granted unless he should find it necessary for the security of the frontier. Gaines, having received information that several tribes of Indians residing on the territory of the United States had crossed the boundary line into Texas; that General Santa Anna was approaching, determined to put to death all he found in arms, or who did not yield to his dictation; and that it was the intention of the Indians on the Trinity River to unite with him in his war of extermination,—thought it his duty to "prepare for action," as no boundary line, unless guarded with

an efficient force, would arrest the sanguinary career of the savages. He, therefore, applied on the 8th of April, 1836, for three brigades and one battalion of mounted militia, to the governors of Louisiana, Mississippi, Tennessee, and Alabama. A second requisition made by him on the 28th of June was formally disapproved by the President, who, on examination of the facts, deemed the appointment of 10,000 militia under the Volunteer Act, with the power of calling out 2,000 volunteers in Arkansas and Missouri, aided by the regular troops stationed in the locality, sufficient for the protection of the frontier. A larger levy, he remarked, in writing to the governor of Tennessee, "when it was well known that the disposition to befriend the Texans was a common feeling with the citizens of the United States," might "furnish a reason to Mexico for supposing that the government of the United States might be induced, by inadequate causes, to overstep the lines of neutrality which it professed to maintain." The Mexican Minister declared himself satisfied with President Jackson's disapproval of the requisition made by General Gaines, but continued to protest against the authority which had been given him to advance with his troops as far as Nacogdoches.

There was reasonable cause for jealousy and apprehension on the part of Gorostiza. The Treaty of 1819 between Spain and the United States had restricted the western limits of the latter to a line beginning at the Sabine. This boundary was definitively settled by the Treaty with Mexico in 1828. But the American Government, desirous of extending its limits, instructed its Envoy, in 1829, to offer five millions of dollars for

the province of Texas. Instructions to repeat this offer were given in August, 1835, before the convention of the 2nd of April, of that year for surveying the limits according to the line agreed upon in 1819, and recognised in 1828, had been ratified. The proposal to purchase not having been accepted by Mexico, the ratification of that convention took place on the 20th of April, 1836; and it was agreed that commissioners and surveyors, to settle and mark the dividing line between the two countries, should meet for that purpose at Natchitoches, within one year from the date of the signature of the convention imposing the obligation. Under these circumstances, it is not extraordinary that the Mexican Minister should have protested against the authority given to General Gaines to advance as far as Nacogdoches, although for no other object than "to preserve the territory of the United States and of Mexico from Indian outrage, and to protect the commissioners and surveyors of the two governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the Mexican United States."*

The treaty for the release of Santa Anna, which was ratified at Velasco, whither President Burnet and his cabinet had removed, encountered great opposition, and

* *Memorandum for Mr. Gorostiza, by Mr. Forsyth.* It appears singular that the Government of the United States did not recognise the fact, that the Mexican Government possessed no constitutional right either to cede or sell Texas to a foreign power. The transfer, if made, would have been just as illegal, according to the Constitution of 1824, as if the Federal Congress at Washington were to dispose of the State of Maine to Great Britain.

the public discontent grew to a very high pitch, when, for the purpose of procuring peace, the government were about to convey their important prisoner to Vera Cruz. In order to secure the liberation of the Texan prisoners, previous to landing Santa Anna on Mexicon soil, it was intended that the vessel which conveyed him should touch at Copano and Matamoros, where the Texan Commissioners could ascertain the facts, and act accordingly. On the 1st of June, President Santa Anna with his suite, consisting of Colonels Almonte and Nunez, and his secretary, embarked on board the armed schooner Invincible, commanded by Captain J. Brown. At the moment of embarkation, copies of the following Address were distributed to the Texan army:

"My friends! I have been a witness of your courage in the field of battle, and know you to be generous. Rely with confidence on my sincerity, and you shall never have cause to regret the kindness shown me. In returning to my native land, I beg you to receive the sincere thanks of your grateful friend. Farewell.

"ANT. LOPEZ DE SANTA ANNA."

The embarkation was quietly effected. The Vice-President of Texas, Lorenzo de Zavala, and Mr. Hardiman, secretary of the treasury, were to accompany Santa Anna until his arrival at Vera Cruz. Some necessary preparations delayed the departure of the Commissioners; and on the 3rd of June, a party of volunteers, recently from New Orleans, landed at Velasco, with minds long inflamed against the Mexican President by reports of the atrocities he had sanctioned. Their indignation, bordering on fanaticism, infected a number

of the Texans, and clamour and commotion were the result. Apprehensive of danger to the domestic tranquillity of Texas, the President ordered the debarkation of the prisoners; and Mr. Hardiman, General Hunt, Colonel B. F. Smith of the Texan Army, and Colonel James Pinckney Henderson, recently from North Carolina, were deputed to wait upon General Santa Anna and communicate the will of the Government. This duty was performed, and the prisoners were escorted to Quintana, on the side of the Brazos opposite Velasco.

On the same day, President Burnet received an address from the army, complaining that their necessities had not received due attention from the executive, recommending an increase of force in the field, impugning the purity of the motives of the government in resolving to liberate Santa Anna, declaring that they would not permit his liberation without the sanction of Congress, and requesting the President to order elections for members of Congress and the necessary officers of government forthwith, and that Congress be called together at least in two months, "in order that the government might be organized, and that they might have one of laws, and not of forces." To this communication, which was dated from the encampment at Victoria, 26th of May, the President made a temperate and firm reply, showing, by an appeal to facts, that the government was not to blame for the privations endured by the troops. In regard to the other subjects introduced into this "somewhat novel communication," he observed, that "when the civil government of a country is compelled to receive a prescription of its duties from an armed

force, that government, if not virtually dissolved, is in great danger of being subverted by military misrule."

A long and able remonstrance was addressed to the army by the President on the 11th of June, in which he explained and defended the views of the government in subscribing the treaty which provided for Santa Anna's release. He reminded the citizens in the field, that "deeds of valour were not alone sufficient to establish the high character of an enlightened, patriotic, and Christian people—a scrupulous regard to the established and beneficent principles of morality were equally indispensable. Their country had but recently aspired to a standing among the nations of the earth; her character, only partially displayed at home, had not been developed abroad; and much of her future happiness and prosperity depended upon the moral qualities that should be unfolded to the world in the development of that character. The government of Texas had deliberately entered into a treaty with the President, Santa Anna; that treaty might or might not be wise; be it what it might, it had been solemnly made, and the good faith of Texas was pledged for its consummation. The treaty had for its ultimate object a firm peace with Mexico, based upon the full recognition of Texan independence. The price to be paid for a blessing, great in the estimation of every good citizen and patriotic soldier, was the enlargement of the President, Santa Anna, and his restoration to Mexico.

"It was alleged, that Santa Anna was faithless and unworthy of trust,—that he was a prisoner, and incapable of treating,—and a murderer, that ought to be executed. To this he replied,

that the government had already treated with him, and that he had performed, and was daily performing, part of his stipulations. The treaty having been ratified by executory compliance on one part, was irrevocably and solemnly binding on the other. Besides, the government believed that Santa Anna's highest political interests would require the complete execution of the principal stipulation in his part of the treaty. 'Is there any man in Texas who does not believe that it is impossible for Mexico to subdue this country, and retain it as an integral part of the Mexican Republic? No man in Texas is more fully and impressively convinced of the impossibility than is the President, Santa Anna. He has learned the fact by sore experience, the best possible teacher of practical truths. Will he then be faithless to his own plain interests, and to the interests of his country?'

"It was objected that Santa Anna was a murderer, and ought to be tried and executed. He (President Burnet) had yet to learn the principle of international or civil law that would justify the courts, civil or military, of one belligerent nation in taking cognizance of the official military acts of the opposing Commander-in-Chief. But supposing the right of jurisdiction to exist, they were debarred from exercising it by the military convention agreed upon and ratified between General Houston and the Mexican chief, before the government were apprized of his capture."

It was further alleged that Santa Anna, as a prisoner, had no power to conclude a treaty. There was some plausibility in this objection; but its force was destroyed by the fact that his treaty had been recognised, and in some very valuable points executed, by the succeeding Commander of the Mexican forces in Texas. In pursuance of that treaty, General Filisola had agreed to

evacuate their territory, and had already passed the Nueces, and was probably by that time crossing the Rio Grande, at the head of 5,000 men.

"What great evil could possibly result from the liberation of the captive President of Mexico? Is Santa Anna so formidable that he alone is a terror to Texas? The plains of San Jacinto had witnessed the idle vanity of his boasted invincibility, and there was not a soldier in the Texan ranks that would not as soon confront him as the meanest caitiff of his nation.—Where then the objection to his being restored? Who and what was he more than any other Mexican chief? If they must fight the Mexicans again, it was of little importance who led their miscreant hordes; they must and could carry the war beyond the Rio Grande, and whether Santa Anna, or Bravo, or another were there, he would witness the rehearsal of the brilliant tragedy of San Jacinto. By detaining the prisoner, they would gain nothing but the miserable gratification of wreaking a pitiful vengeance for the wrongs their friends had sustained at his hands. This desire to retaliate was natural, and had he never been received as a prisoner, he might, on the clearest principles of retribution, have been made the victim of his own exterminating and barbarous policy; but after he had been admitted to the protection and hospitality of the camp, and had actually ratified, and, in part, executed a treaty with his captors, it would have been a gross violation of every principle of honour, and every rule of war, to visit such retribution upon him."

Notwithstanding the cogency of President Burnet's reasoning, the current of public sentiment ran against the liberation of Santa Anna. Indeed, there was a difference of opinion on the subject in the Cabinet itself. General Lamar, who, on the assumption of the command

of the army by General Rusk, had been appointed Secretary of War, was strongly opposed to the measure of liberation. In a letter addressed by him to the President and Cabinet, he entered into an ample exposition of his views respecting the disposal of the prisoners, premising that whilst most of the Cabinet considered Santa Anna exclusively as a prisoner of war, he regarded him more as an apprehended murderer.

"The conduct of General Santa Anna will not permit me to view him in any other light. A chieftain battling for what he conceives to be the rights of his country, however mistaken in his views, may be privileged to make hot and vigorous war upon the foe; but when, in violation of all the principles of civilized conflict, he avows and acts upon the revolting policy of extermination and rapine, slaying the surrendering, and plundering whom he slays, he forfeits the commiseration of mankind, by sinking the character of the hero into that of an abhorred murderer. The President of Mexico has pursued such a war upon the citizens of this republic. He has caused to be published to the world a decree, denouncing as pirates beyond the reach of his clemency, all who shall be found rallying around the standard of our independence. In accordance with this decree, he has turned over to the sword the bravest and best of our friends and fellow-citizens after they had grounded their arms, under the most solemn pledge that their lives should be spared. He has fired our dwellings, laid waste our luxuriant fields, excited servile and insurrectionary war, violated plighted faith, and inhumanly ordered the cold-blooded butchery of prisoners who had been betrayed into capitulation by heartless professions. I humbly conceive that the proclamation of such principles, and the perpetration of such crimes, place the offender out of the pale of nego-

tiation, and demand at our hands other treatment than what is due to a mere prisoner of war. Instinct condemns him as a murderer, and reason justifies the verdict. Nor should the ends of justice be averted because of the exalted station of the criminal, or be made to give way to the suggestions of interest, or any cold considerations of policy. He who sacrifices human life at the shrine of ambition is a murderer, and deserves the punishment and infamy of one; the higher the offender, the greater reason for its infliction. I am, therefore, of opinion that our prisoner, General Santa Anna, has forfeited his life by the highest of all crimes, and is not a suitable object for the exercise of our pardoning prerogative."

As the next best course to adopt after the rejection of the proposal for the execution of Santa Anna, he recommended his detention until a treaty of peace had been concluded with Mexico; but his mind adhered to the conviction, that the prisoner should be tried and punished for the crime of murder.

"I still feel that strict justice requires this course; that it is sustained by reason, and will receive the sanction of the present generation, as well as the approving voice of posterity. If the Cabinet could concur with me in this view of the subject, and march boldly up to what I conceive to be the line of right, it would form a bright page in the history of this infant nation. It would read well in the future annals of the present period, that the first act of this young republic was to teach the Caligula of the age that, in the administration of public justice, the vengeance of the law falls alike impartially on the prince and the peasant. It is time that such a lesson should be taught the despots of the earth: they have too long enjoyed an exemption from the common punishment of crime. Throned in power, they banquet on

the life of man, and then purchase security by the dispensation of favours. We have it in our power now to give an impulse to a salutary change in this order of things. We are sitting in judgment upon the life of a stupendous villain, who, like all others of his race, hopes to escape the blow of merited vengeance by the strong appeals which his exalted station enables him to make to the weak or selfish principles of nature. Shall he be permitted to realise his hopes or not? Shall our resentment be propitiated by promises, or shall we move sternly onward, regardless of favour or affection, to the infliction of a righteous punishment? My voice is '*Fiat justitia ruat cœlum.*'"

He disclaimed resorting to the law of retaliation in support of the measure he proposed; all he asked was even-handed justice:

"Let the same punishment be awarded him which we would feel bound in honour and conscience to inflict on a subaltern charged and convicted of a like offence: this is all that justice can require. If he have committed no act which would bring condemnation on a private individual, then let him be protected; but if he have perpetrated crimes, which a man in humble life would have to expiate upon the scaffold, then why shield him from the just operations of a law to which another is held amenable? The exalted criminal finds security in negotiation, whilst the subaltern offender is given over to the sword of the executioner. Surely no considerations of interest or policy can atone for such a violation of principle. View the matter in every possible light, and Santa Anna is still a murderer."

Alluding to the feelings of the Volunteers, he said,

"It will be useless to talk to a soldier of San Jacinto about

national independence, and national domain, so long as the bones of his murdered brethren lie bleaching on the prairies unrevenged. Treble the blessings proposed to be gained by this negotiation will be considered as poor and valueless, when weighed against that proud and high resentment which the soldier feels for wrongs received. In the day of battle the animating cry was 'ALAMO!'—And why? because it was known that the slaughterer of the Alamo was then in the field: it was him that was sought. It was not against the poor and degraded instruments of his tyrrany that we warred; they fell, it is true, before our avenging strokes like grass before the reaper's sickle."

The influences of wealth and station, he maintained, caused men to deal out unequal justice.

"The great difficulty in dealing with our prisoner as his crimes deserve arises, as I have already intimated, from the fact that education will not permit us to strip him of his ill-gotten honours, and view him in the attitude of a private individual. We are taught, by what we see around us in early childhood, to reverence wealth and power, and it is almost impossible in after-life to emancipate the mind from the slavish thraldom; so that when we approach the guilty lords of creation, there is an involuntary shrinking back, as if we deemed them privileged in enormity, and not amenable to us for their outrages. We feel that we should not deal with them as we would with ordinary men. If a peasant, convicted of murder, shall offer a bribe for the preservation of his life, it meets with prompt and indignant repulsion; but if a prince, under like circumstances, shall in the fulness of his power propose some lordly favour, it is accepted with avidity, as if it were upon our part a virtuous performance of duty. Besides this, we flatter ourselves that there is nothing wrong

in the transaction, because we are not personally and privately the beneficiaries of the bargain; but certainly the right or wrong doth not depend upon who are the recipients, whether the public or an individual. If we have a right thus to act for the good of the nation, we can do the same for the good of a community; and if for a community, we can for a family; and if for a family, why may not that family be our own? This mode of reasoning will readily exhibit the fallacy, if not the immorality, of that doctrine which draws a distinction between a high and a low offender, and justifies a negotiation with the one, which would be odious and criminal with the other."

He reminded the government of the character of those whose death they were called on to avenge. They were no mercenary soldiery. The history of war could not furnish a nobler band than those who rallied around the standard of honour. He had known many of them personally, and could testify to their generous spirit.

"Never did the broad eye of day look upon a fouler murder; never were a better or a braver people sacrificed to a tyrant's ferocity. The most of them were youthful heroes."

He had not adverted to the policy of the course he advocated, because it was useless to discuss consequences where principle directed the way. Yet he deemed it not difficult to prove that the course he urged was as safe on the score of policy, as it was sound in principle. The release of Santa Anna would not facilitate the recognition of Texan independence, and his death would be a salutary warning to the leaders of future expeditions.

"I have always thought, and still believe, that our sole reliance should be upon our swords, and not upon the faith

of Santa Anna. If the armies now on the retreat shall dare a countermarch, there will not be in the next battle a Mexican left to tell the tale of their defeat; and if another expedition against us shall be gotten up in the fall or the spring, there will come into our country such a cavalcade of heroes as will make their chivalry skip. The very first army that turns its face to the East will awaken a war which will move onward and onward over the broad prairies of the West, knowing no termination until it reaches the walls of Mexico, where we shall plant the standard of the Single Star, and send forth our decrees in the voice of our artillery."

Having stated his "humble views on this embarrassing question," General Lamar professed himself ready to yield a cheerful acquiescence in the decision of the majority of the Cabinet. Harmony in their councils being indispensable to the preservation of the public tranquillity, and he having many reasons to know that, whatever might be ordered, would be deemed for the best, he observed in conclusion—

"That my feelings and opinions may not be misapprehended, I beg leave, by way of recapitulation, to state that, toward the common soldiers among our Mexican prisoners, I cherish no malice or resentment, looking upon the most of them in the light of unwilling instruments in the hands of tyranny; neither can I perceive in the conduct of the officers any particular acts which might not be considered as legitimate in a soldier devoted to his profession, or in a patriot enlisted in the cause of his country. These, after an exchange of prisoners, I would retain in the custody of the government until the conclusion of the war; but, viewing General Santa Anna altogether in a different attitude, I would adopt the course in reference to him which I have already urged. His

crimes being sanguinary, I would read his punishment from the Code of Draco."

The final disposal of General Santa Anna was reserved for the government about to be established in conformity with the Constitution.

Lamar was a Georgian, a native of the same State of the Union which gave birth to Fannin and the flower of his division. His indignation, as a brave and honourable man, against the perpetrator of a cold-blooded massacre, was consequently heightened by regard for his victims.* As General Lamar has since risen to the highest offices of the Republic of Texas, a notice of his previous career will not be out of place.

Of a highly respectable family, of French descent on the paternal side, Mirabeau B. Lamar was born in the county of Jefferson, in Georgia, on the 16th of August, 1798. He was early selected by George M. Troup, Governor of that State, to be his private secretary, and was received into his family upon terms of intimate and confidential friendship. Having distinguished himself as the defender of State rights against Federal encroachment, he was brought forward by those who observed and admired his conduct, as a candidate for a seat in Congress.

"The political opinions of the several candidates were de-

* Among the prisoners slaughtered with Fannin at Goliad were a number of the Irish settlers of San Patricio. For them no indignant countryman has yet raised a voice. In a list of part of the division, I find the names of Hunter, Harper, J. Kelly, M. Byrne, Patrick Nevin, J. M'Glone, D. M'Gowan, W. Hams, Coghlan, Disney, Gibbs, Brannan, Ryan, Fadden, Garner, Fraser, and Watson—all of British birth.

manded in writing; and when those who selected him attempted to dictate his course, he withdrew his name from their nomination, and gave his reasons for the measure in an able and eloquent address, in which he exposed the dictatorial temper and dangerous influence of the Caucus party. This brought upon him, for a time, the displeasure of the party leaders, whose opinions, and not his own, were attempted to be made the guide of his political conduct. So great was his abhorrence ever after of political managers and party dictation, that he refused every solicitation of his friends to have his name again brought before the people as a candidate for popular favour. But this resolution in no wise abated the fervour of his patriotism. Whilst he uniformly, but respectfully, declined all public honours, he continued to enlighten the people by his written productions, and to rouse them by his eloquence to a just sense of their rights."

To recruit his health, which required continued exercise and the excitement of travel, he prepared for a journey to Texas, and entered the country in the month of July, 1835. From Nacogdoches he proceeded to Cole's Settlement, where he announced his intention to become a Texan citizen. In accordance with his determination, he paid an authorized surveyor of the colony a fee to run him off his head-right lands. He also made a declaration in the Primary Assembly of the people at Washington, on the Brazos, when the war was first agitated, that Texas was not only to be his future home, but that, in the event of a revolutionary struggle, he was resolved to adopt her destiny for good or ill.

From Washington he went to San Felipe, where, in consequence of the closing of the Land Office, he was unable to obtain an order for his head-right. He was

informed by the Empresario, Stephen Austin, that he might proceed to the United States, and return without forfeiting any of his privileges. He departed accordingly, about the end of November; and shortly after his arrival in Georgia, and before he could arrange his affairs, he received intelligence which induced him to forego all personal considerations, and hasten back to the land of his adoption. He landed at Velasco about the period of the massacre at Goliad. All was panic and confusion, and the enemy was said to be close at hand. Unable to procure a horse, he started on foot for the army, and joined its ranks as a private soldier, about ten days before the battle of San Jacinto. His gallantry, in a partial engagement on the 20th, raised him to the command of the cavalry corps on the 21st. He was shortly afterwards invited to the Cabinet of the President; first as Attorney-General, and then as Secretary of War.

A writer, who had been acquainted with him for several years, has sketched his character in these terms:—

"General Lamar is a warm-hearted and enthusiastic man, and devoted to his friends. There is no consideration of self —no impulse of ambition—no inducement of intrest—no fitfulness of temper, which can induce him to forsake them. He is gentle and forgiving, gay, companionable, and confiding. He is neither proud nor vain, but modest and unpretending. It is his simplicity of character which strangers to his feelings mistake for pride. With commanding talents, and an undying enthusiasm animating, impelling, and directing him to the performance of the most generous and daring deeds, he is qualified to give energy and character to a new government. He is a practical man in all the affairs of life, and his polit-

ical productions exhibit the soundest views and the most enlightened judgment. Some of the best essays upon the government of the United States, which appeared in the public press of Georgia, emanated from his pen. He is fond of the arts, and has cultivated them with great attention, but not at the expense of his knowledge and usefulness as a statesman."

On the 9th of June, General Santa Anna transmitted to the President a Protest, of which the following are the heads:

"I protest against the violation of the faith engaged in the agreement made between me and the government of Texas, signed the 14th May, ult., and commenced verbally with the General-in-Chief of the army of Texas, Samuel Houston, and T. J. Rusk, Secretary of War.

"1st. For having been treated more like an ordinary criminal than as a prisoner of war, the head of a respectable nation, even after the agreements had been commenced.

"2nd. For the treatment as prisoner of war, and ill usage received by the Mexican general, Adrian Woll, who had come into the Texan camp with a flag of truce, under the safeguard and word of honour of General Houston, and with the consent of the members of the Cabinet.

"3rd. Against the non-fulfilment of the exchange of prisoners, stipulated in the 9th article, inasmuch as, up to the present time, not even one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.

"4th. Because the *sine qua non* of the 10th article, as follows, has not been carried into effect; which is, that I shall be sent to Vera Cruz 'when the government shall deem it proper;' whereas the President himself and the Cabinet of Texas, being convinced that I had punctually fulfilled all my

engagements, viz., that the Mexican army, 4,000 strong, should retreat from the position it occupied on the Brazos to beyond 'Rio Grande;' that all the property should be given up, also the prisoners of war—had determined on my embarking in the Texan schooner of war, the Invincible, in which I finally did embark on the 1st June instant, after addressing a short farewell to the Texans, wherein I thanked them for their generous behaviour, and offered my eternal gratitude.

"5th. For the act of violence committed on my person, and abuse to which I have been exposed, in compelling me to come again ashore, on the 4th instant, merely because 130 volunteers, under the command of General Thomas J. Green, recently landed on the beach at Velasco from New Orleans, had, with tumults and with threats, requested that my person should be placed at their disposal.

"Finally, I protest against the violence kept up towards me, by being placed in a narrow prison, surrounded with sentinels, and suffering privations which absolutely render life insupportable, or tend to hasten death; and finally, for being uncertain in regard to my future fate, and that of the other prisoners, notwithstanding a solemn treaty."

To this communication Mr. Burnet replied on the 10th. He admitted, with "profound mortification," that popular excitement had constrained the government to deviate for a season from the terms of the treaty, relative to his conveyance to Vera Cruz.

"But," he added, "the causes that have produced the constraint under which the government have acted are not unknown to you, and I should regret to believe that you were incapable of giving to them a just appreciation. The citizens, and the citizen soldiers of Texas, have felt, and do feel, a deep, intense and righteous indignation at the many atrocities

which have been perpetrated by the troops lately under your Excellency's command; and especially at the barbarous massacre of the brave Colonel Fannin and his gallant companions. How far your Excellency participated in that abominable and inglorious slaughter I am not disposed to conjecture; but it is both natural and true that the people of Texas impute it to your Excellency's special command.

"1st. I do not precisely comprehend the character of the treatment objected to, and would have been pleased to have had the specifications. If your Excellency alludes to the accommodations which have been assigned to you, I would reply that I have cheerfully subjected my own sick family to many hardships, in order to render to your Excellency the best accommodations in our power. That we are at present destitute of the ordinary comforts of life, is mainly attributable to your Excellency's visit to our new country; and on this account we feel less regret that you should partake of our privations.

"2nd. Your second protest, relating to the treatment experienced by the Mexican General Adrian Woll, involves some facts which I do sincerely deplore, but for which this government is not strictly responsible.

"Your Excellency is sensible that we have done all in our power to guarantee the safe return of General Woll to the Mexican camp; but our orders have been contravened by the commander of the Texan army, at a remote distance from the seat of government. The reasons that have actuated that officer have not been fully detailed to us; but we are informed that they are predicated on some alleged imprudences of General Woll, whose good discretion, we know, has not been very conspicuously manifested during his stay amongst us.

"3rd. The third article of your protest is 'against the non-fulfilment of the exchange of prisoners stipulated in the ninth

article, inasmuch as, up to the present time, not one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.'

"Your Excellency seems to have a more minute intelligence on this subject than has come to my knowledge; for I have no official information of a single Texan prisoner having been given up under the treaty. Some of the intended victims, the companions of the murdered Fannin, have happily effected their escape, and safely arrived amongst us; but these cannot be considered as liberated in the sense of the treaty; whereas this government has gratuitously discharged several Mexican captives, and defrayed their expenses to New Orleans, the destination which they solicited.

"4th. The fourth clause of your Excellency's protest has been antecedently answered in part. Your Excellency's recollection has betrayed you into an error, when you say, 'the President himself, and the Cabinet of Texas, being convinced that I had punctually fulfilled all my engagements,' &c.

"This government were convinced that your Excellency had complied with some of your stipulations, and this conviction aggravates the mortification which the late events have inflicted upon them. But they were not informed that 'all the property had been given up;' or that any of the prisoners had been restored, as your Excellency erroneously imagines. On the contrary, we were advised that large herds of cattle had been driven in advance of the retreating army; and that a few only of the slaves that had been abducted were returned.

"It is due to your Excellency to say, that the government confidently believed that these restorations would be effected, as early as a proper convenience would admit. But I am induced to advert to another fact, in relation to which it would be difficult to extend the same charitable exculpation

to the officers of the Mexican army. It has been reported that the walls of the Alamo at Bexar have been prostrated, and that the valuable brass artillery attached to that fortress have been melted down and destroyed.

"There were many painful and pleasing and glorious reminiscences connected with that Alamo, which renders its wanton dilapidation peculiarly odious to every Texan spirit; and your Excellency needs not to be informed that the destruction of it was an infraction of the armistice, and a violation of the treaty.

"5th. In reply to your Excellency's fifth protestation, I remark, that the painful circumstances, which induced the government to direct your debarkation, have already been adverted to in a spirit of frankness and of self-humiliation, which a consciousness of error alone could extort. It were superfluous to repeat the causes which induced this government to vary its discretion in regard to the time they should deem the departure of your Excellency to be proper. I am not sensible of any act of 'violence and abuse' to which you were exposed, that was not necessarily concomitant on your return to shore.

"To your final protest I reply, that while you are a prisoner ordinary precautions are inevitable. I have not been apprised of anything more; and your privations (as alleged) are those we suffer ourselves."

The feeling in favour of Texas was extending in the United States. An entertainment was given by its friends in the city of New York, at which General Hamilton, Mr. Preston (member for South Carolina, in the Senate of the United States), and other distinguished public men were present. In Congress also several of the leading members raised their voices in support of the Texan cause. On the 18th of June,

Mr. Clay, from a Committee of the Senate on Foreign Relations, reported favorably to the recognition of the independence of Texas, so soon as it should appear that she had in "successful operation a civil government, capable of performing and fulfilling the obligations of an independent power."

Speaking of the military struggle, he said—

"If the contest has been unequal, it has, nevertheless, been maintained by Texas with uncommon resolution, undaunted valour, and eminent success; and the recent splendid victory—in which that portion of the Mexican army which was commanded by General Santa Anna, the President of the Mexican government, in person, was entirely overthrown with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the President himself and staff—may be considered as decisive of the independence of Texas."

The two houses of Congress, acting separately, passed resolutions in accordance with the terms of Mr. Clay's Report; the preamble to the resolution of the House of Representatives distinctly intimating that the "expediency" of recognising Texas should be left to the decision of Congress. On the 27th of June, the Senate, on the motion of Mr. Preston, adopted a resolution for sending a Commissioner to Texas. Mr. Morfitt was appointed by the executive to visit the country, and report its situation and resources.

The Texan Government *ad interim* having discharged the duties which devolved upon it in a season of great emergency, President Burnet issued his proclamation, ordering an election of a President, Vice-President, and

Members of Congress, and requiring that the people should simultaneously declare their sentiments with respect to the existing Constitution framed by the delegates in March, and in relation to the question of the annexation of Texas to the United States—a measure of apparent expediency in the exhausted state of their finances.

Stephen Austin was nominated to the Presidency of Texas on the 9th of August. General Houston, who had returned to Texas, was also nominated to the same office, at Columbia, on the 28th of the month, by more than 600 persons.

Early in September, Samuel Houston was elected first Constitutional President of the Republic of Texas, and Mirabeau B. Lamar Vice-President.

The voice of the people declared for the Constitution as it was; and all the suffrages, except 93, were given for the annexation of Texas to the United States of America.

The Texan Congress assembled at Columbia on the 3rd of October. Few legislative bodies were ever convened under more trying circumstances. Rumours of Mexican invasion had agitated the country early in the summer, had passed away, and were again renewed. The Mexican government had passed a decree on the 20th of May, annulling all stipulations entered into by Santa Anna while a prisoner. Warlike preparations, on an extensive scale, had been made in Mexico, and General Lamar was called to the command of the Texan army, to organize forces for the defence of the country. By an order of the United States Government, dated the 11th of July, General Gaines was directed to cross

the boundary line, and take a position in Texas, which order was executed in autumn. Troubles in the interior having diverted the attention of the Mexican government from Texas, nothing farther was heard of the projected expedition until November, on the 9th of which month General Bravo, Commander-in-Chief of the Army of the North, issued a Proclamation to his soldiers, from the camp at San Luis Potosi, announcing to them that they were destined to form an important part of the army against Texas.

"Since the grand work of our independence was achieved," said the General, "our country never called upon its worthy sons in defence of a more sacred cause, nor to sustain a more just war. In that Texas, where there should only be found people friendly to the Mexicans, and grateful for the generous hospitality granted by them, you but meet with hordes of insolent adventurers, who, when our usurped lands are claimed from them, answer by raising the savage cry of war. A trifling success, which must be attributed to the contempt with which they were looked upon, and by no means to their own prowess, has filled them with vain glory."

Threatened from without, Texas was disorganized at home: the lands laid waste; the people impoverished; the Government inundated with claims and demands; the treasury empty; the army naked and starving. Still, amidst its multiplied embarrassments, the legislature proceeded to the discharge of its functions with the unshrinking constancy of the Anglo-American spirit.

In his Inaugural Address, President Houston dwelt upon the difficulties and perplexities that must beset his administration; which patriotic zeal, guided by phi-

losophy and wisdom, could alone enable him to surmount. He recommended treaties of peace and amity with the Indians, and the establishment of commercial intercourse with the tribes. To provide against Mexican invasion, their energies, he said, should be kept alive; their army organized, disciplined, and increased in proportion to their necessities. He contrasted the perfidy and cruelty of their invaders with their own humane and forgiving conduct, which reflected so much glory on the Anglo-Saxon race, and had obtained for them the sympathy and the aid of friends in the land of their origin. The last topic to which he adverted was annexation to the United States, the appeal in favour of which had been made by "a willing people," who hoped to be welcomed into "the great family of freemen." Addresses were also delivered by General Lamar, in his capacity of Vice-President of the Republic and Chairman of the Senate, which, in an elevated tone of patriotism, deprecated party spirit and controversial intolerance.

Following up the declared wishes of the people, the Congress passed an Act, empowering the President to appoint a minister to negotiate at Washington for the annexation of Texas to the Union. A law was also passed, authorizing the President to issue bonds, of 1,000 dollars each, to an amount not exceeding five millions of dollars, to bear interest to the purchaser not exceeding ten per cent., to be redeemed at the expiration of thirty years, and to be offered for sale by two Commissioners in the United States or in England; said commissioners to report from time to time the amount of the bonds sold, and the expenses of sale. It was pro-

vided, likewise, that the Commissioners might sell bonds to the amount of two millions, redeemable in not less than five years; and that the holders should be entitled to purchase the lands of the Republic at the minimum government price, paying bonds for the same; and finally, that for interest and principal, the public faith should be pledged, as also the proceeds of the sale of the public domain, and the taxes on land, after 1838. Among the measures of the Session were Acts for granting bounties in land to those who fought at Bexar, the Alamo, Goliad, and San Jacinto, and their legal representatives; for increasing the navy, by the purchase of a sloop of war and two armed steam vessels; and for incorporating a Railroad, Navigation, and Banking Company.*

To meet the invasion threatened by General Bravo, President Houston ordered that every able-bodied man, subject to military service, should provide himself with a good rifle, or gun, 100 rounds of ammunition, and, if procurable, a good horse. He also issued orders for the immediate organization of the Militia.

The disposal of Santa Anna became a subject of legislative consideration. In August, a plot for his release had been discovered at Columbia. The vessel destined to bear him off was seized, and the Mexican President and Colonel Almonte put in strict confinement. The former, it was alleged, attempted to destroy himself by swallowing opium, which only produced nausea.

It was the desire of President Houston to send Santa Anna to Washington, with a view to certain diplomatic

* For a list of the Public Acts and Regulations of Congress so late as the spring of 1840, see Appendix, No. VIII.

arrangements, to which the government of the United States was to be a party. His enlargement was opposed on the several grounds that the conditions of the treaty with him had not been fulfilled by Filisola; that no reliance could be placed on his promises; that he could not treat at Washington, the government of the United States having received formal notification that none of his acts would be recognised by Mexico; that his detention in Texas would deter his friends from invading the country; and that, in the event of Texas invading Mexico, his name and person would facilitate the progress of the army. In reply to these arguments it was stated, that his maintenance was a useless expense to the government; that proclamations in his name, at the head of an invading army, would be of no avail; that if liberated, he might regain power, and acknowledge the independence of Texas, and, if he failed to reinstate himself in authority, he would obtain a respite for Texas, by exciting civil commotion in Mexico; and that, at the worst, should he, after regaining his position, renew his attempts upon Texas, he would encounter the execrations of the civilized world, while Texas would be justified, and her cause sustained. Ultimately, after much discussion, Santa Anna was released by an act of the Executive.

William H. Wharton, appointed Minister from Texas to the United States, left the seat of Government for Washington on the 17th of November. General Santa Anna proceeded to the same destination in December, escorted by Colonels Bee and Hockley, and Captain Patton. He had written, in August, to the President of the United States, expressing his willingness to fulfil

his stipulations with General Houston, and requesting his mediation. The only obstacle was the Mexican decree of the 20th of May, annulling the power of Santa Anna while a prisoner. If his authority and influence were to be rendered available, either for the acknowledgment of Texas as an Independent and Sovereign Nation, or as a State of the American Union, he should be left to act free and untrammelled, and be restored to the exercise of his authority as President of Mexico—his tenure of which office was to expire on the 1st of March, 1837. Under this impression, General Houston had acceded to his release and assumed its responsibility.

Santa Anna arrived at Washington on the 18th of December, and, on the 21st, President Jackson addressed a message to Congress on the subject of Texan recognition. Having communicated the report of his Commissioner of Inquiry, Mr. Morfitt, transmitted from Texas, respecting the pretensions of that country to form an independent Sovereign State—which report was favourable to recognition—the President delivered his opinion in these words:—

"The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbours to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico herself, one of the great foreign

powers, shall recognise the independence of the new power, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to maintain the government constituted by them."

The afflictions of Texas in the year 1836 were consummated by the death of Stephen Austin, who, on the elevation of General Houston to the Presidency, had been called to the office of Secretary of State. He died at Columbia, on the Brazos, on the 25th of December, in the forty-fifth year of his age, and was borne to his narrow home, in the land of his solicitude and love, amidst the heartfelt regrets of a grateful people, for whose interests he had ungrudgingly sacrificed time, endeavour, tranquillity, and health.*

Stephen Austin's character was of the true heroic mould. Unlike those mighty mischief-makers, whose progress resembles the devastating course of the pestilence and the tornado, and on whom vulgar minds confer a spurious renown, his genius led him to construct, not to destroy. In his youth he had received a respectable academical education, commenced at Colchester in Connecticut, and concluded in Transylvania University at Lexington, in Kentucky. But the world, with its practical experience, was his real instructor. From early familarity with business and intercourse with men, he gained that diversified knowledge which en-

* His relative, Mrs. Holley, in her work on Texas, published in 1836, says—"General Austin is still a young man, not yet forty-five years of age, but, through the hardships of his life, looks much older than he really is."

abled him to perform the part allotted to him by Providence—a part without a parallel in modern times.

In June, 1821, Moses Austin bequeathed to his son his plan of Texan Colonization. Stephen, then in his thirtieth year, complied at once with his father's last injunction. We have seen the perils he braved, the obstacles he surmounted—his struggles with the marauders of the wilderness—his sufferings in a Mexican prison—his duties and entanglements, civil, military, political, and financial. In every epoch of his career, the spirit of order, equity, fortitude, and perseverance is apparent. Even those who proscribed his patriotism paid homage to his personal worth. General Cos, when he first entered Texas and found Austin at the head of the insurgent force, addressed him individually in terms of high respect; and Colonel Almonte has eulogized the "admirable constancy" with which he followed up his enterprise in Texas.* For fifteen years did he pursue his object with unswerving rectitude and untiring zeal, and he lived long enough to lay the foundation of a flourishing state, amidst the bloodshed and distraction of civil strife.

"The claims of Stephen Austin upon the affections of the people of Texas," writes Mirabeau Lamar, "were of the strongest kind. He was not only the founder of our Republic, but scarcely a blessing has flowed to our country which might not be fairly attributed to his unwearied exertions for its welfare; whilst almost every calamity which has befallen

* "Habiendo muerte el padre de Don Estevan F. Austin, este siguio en la empresa, con una *constancia admirable*, y tiene hoy la satisfaccion de ver realizadas sus esperanzas, contando ya mas de 6,000 almas en su colonia." —Noticia Estadistica sobre Tejas, p. 21.

it might have been averted by an adherence to his wise and prudent counsels. The world has afforded but few examples of superior intelligence and sagacity; and as for disinterested and exalted philanthropy—his long suffering for the weal of others—his patient endurance under persecution—his benevolent forgiveness of injuries—and his final sacrifice of health, happiness, and life in the service of his country—all conspire to place him, without a modern rival, among the first of patriots and the best of men."

Another leader of the revolution had gone before Austin. Lorenzo de Zavala died in November, and the Senate testified its respect for his memory by adjourning for a day.

After a Session of little more than two months, the Congress of Texas adjourned in December, having adopted a variety of measures calculated to promote the public good.

CHAPTER II.

Relations of Mexico and the United States—Peremptory Instructions to the American Minister—Withdrawal of Gorostiza—Conferences between President Jackson and Santa Anna—Arrival of Santa Anna at Vera Cruz—Message of the Governor of South Carolina—General Hamilton's Report to the Senate—Acknowledgment of Texan Independence by the United States—Application of Texas to be annexed to the Federal Union—Diplomatic Correspondence—Renewal of diplomatic Relations between the United States and Mexico—Message of President Houston—Opposition of the Northern and Middle States to Texan Annexation—Mr. Preston's Resolution—Withdrawal of the Proposition to Annex Texas to the Union.

On the 20th of July, 1836, eleven days after the official communication to the government of the United States, of the decree suspending the Presidential authority of Santa Anna the American minister to Mexico, Mr. Ellis, had been directed by President Jackson to present fourteen specific, and sundry indefinite, claims for indemnity to the Mexican Government, running as far back as 1817.

"If contrary to the President's hope," said the instructions to Mr. Ellis, "no satisfactory answer shall be given to this just and reasonable demand, within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continues longer, you will give formal notice to the Mexican Government that, unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and,

at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation."

On the 26th of September, the list of claims was presented to the Mexican Government; on the 3rd of October, the Mexican Secretary of State informed Mr. Ellis that time was required to examine various documents touching the cases, some of which were of old dates; adding, that the result would be communicated with all possible despatch. On the 20th of the same month, Mr. Ellis intimated that, unless redress were afforded without unnecessary delay, his longer residence in Mexico would be useless. On the 4th of November, he gave the final notice of a fortnight; and, on the 10th, advised Mr. Forsyth of the state of the negotiation. On the 15th of November, the Mexican acting Secretary of State (Monasterio) replied defensively to the cases as prepared. To this reply Mr. Ellis framed a rejoinder; and concluded, in obedience to his instructions, by demanding his passports. On the 7th of December, the diplomatic relations of the United States in Mexico were brought to an abrupt close.

Gorostiza, the Mexican Minister at Washington, had continued to reiterate complaints of breach of neutrality with regard to Texas, until, without awaiting the order of his government, he demanded his passports on his own responsibility, on the 15th of October, 1836. In the annual Message to Congress, on the 6th of Decem-

ber, 1836, President Jackson thus alludes to the relations between Mexico and the United States:—

"The known desire of the Texans to become a part of our system, although its gratification depends upon the reconcilement of various conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated, on the sole grounds that the obligations of this government to itself and Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary to protect our own, or the neighbouring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honour of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish dominion. The departure of this minister was the more singular as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there, in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican minister himself, or were already withdrawn, in consequence of impressive warnings their commanding officer had received from

the Department of War. It is hoped and believed that his government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights, or a stain upon its honour.

"In the mean time the ancient complaints of injustice, made by our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrances and ample immediate redress. I trust, however, by tempering firmness with courtesy, and acting with forbearance upon every incident that has occurred, or that may happen, to do and obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress."

In a subsequent part of the Message, the President stated, that

"At the date of the latest intelligence from Nacogdoches," the troops of the United States were at that station, but that the officer who had succeeded General Gaines had "recently been advised that, from the facts known at the seat of government, there would seem to be no adequate cause for any longer maintaining that position, and he was accordingly instructed, in case the troops were not already withdrawn, under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he should then have in his possession such information as should satisfy him that the maintenance of the post was essential to the protection of the frontier, and to the due execution of treaty stipulations as explained to him."*

* The following are the words of the treaty on which President Jackson justified the advance of General Gaines to Nacogdoches: "It is like-

When General Santa Anna arrived at Washington he held secret conferences with the executive. It was surmised by opposition politicians that these oral discussions (not formal or official communications)

"Resulted in an understanding, or a well-grounded expectation reciprocally entertained, to the effect that Santa Anna, on regaining his power, should cede Texas to the United States, for which the United States should assume the claims of her citizens against Mexico, and pay a sum agreed upon, or that should be thereafter settled."*

A European would probably ask, why seek to purchase a territory that was already freely offered by its *de facto* possessors? The answer is to be found in the constitution of the United States, which had given no authority to the Federal Government to annex a foreign power to the Union, or the Union to a foreign power. For acquisition by purchase, General Jackson was en-

wise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to obtain this object, both parties bind themselves expressly to restrain, *by force*, all hostilities and incursions on the part of the Indian nations living in their respective boundaries; so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Mexican States the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of those States, in any manner whatever."

* *Letter from a Member of Congress to a Gentleman of Weathersfield, Vermont, dated Washington, December*, 1837. Published in the *National Intelligencer*.

abled to cite the precedent supplied by Mr. Jefferson in the case of Louisiana.

Santa Anna left Washington on the 26th of December, and was furnished by President Jackson with a ship of war to convey him to Vera Cruz. The Senate of the United States, on the 14th of January, 1837, passed a resolution, calling for "any communications received, or correspondence had, between the executive of the United States and General Santa Anna, or by any other person claiming to act on behalf of Mexico," respecting Texas. The answer to this resolution, which was accompanied by Santa Anna's letter of the 4th of July, requesting the President's mediation, alleged that, "no other communication upon the subject of the resolution referred to had been made to the executive by any person claiming to act on behalf of Mexico."

Another Message on Mexican affairs was presented by President Jackson to Congress, on the 6th of February, accompanied by documents which showed that diplomatic relations between Mexico and the United States had ceased on the 7th of December, 1836, in accordance with the instructions to Mr. Ellis of the 20th July. To this Message forty-six specified claims against Mexico were now appended. The President declared that, in relation to these claims, the conduct of Mexico "would justify, in the eyes of all nations, immediate war;" but recommended, "as an act of wisdom and moderation," that one more opportunity should be given to Mexico to atone for the past, before the United States took redress into their own hands.

"To avoid all misconception on the part of Mexico, as well

as to protect their own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it."

The President asked Congress to grant him the power of making hostile reprisals, in the event of the claims being refused "upon another demand thereof, made from on board one of their vessels of war, on the coast of Mexico."

Advices from Mexico represented the restoration of Santa Anna to power as extremely doubtful. His opponents had circulated the report that he had effected his liberation by making a compact for the cession of Texas—a compromise to the last degree offensive to Hispano-Mexican pride. With the knowledge of Santa Anna's abated influence and clouded prospects, the Committees of the two Houses of Congress responded to the Message of the 6th of February, the Senate on the 18th, the House of Representatives on the 19th of that month. Recognising the wrongs endured by American citizens from Mexico, Congress, without conceding the war power to the President, recommended measures suited to whatever contingency might arise.

The probability of Santa Anna's resumption of authority seemed daily to diminish, and with it the chances of acquiring Texas through the form of purchase, by secret arrangement with him—if such an arrangement existed. On the 20th of February, he landed at Vera Cruz, and forthwith addressed a letter to the Minister at War, which was afterwards published in the *Diario del Gobierno*, the government paper of Mexico, wherein

he disavowed all treaties and stipulations whatever, as conditional to his release. Thus writes the Mexican President upon his native soil:—

"The pleasure I feel in again treading upon my native land, after the many outrages and tribulations I have endured; that pleasure, I say, was considerably diminished when I was informed that there were some individuals believing my disgrace was so much the greater because I had betrayed my country and compromised her independence. What! betray an object so dear to my heart? I who have so often fought to preserve her inviolable! Would it not be better that I should perish in the midst of my enemies than that I should be the mark of so serious and unjust an accusation coming from my own fellow-countrymen? In this case, as well as in many others, I have been the victim of calumny, and, in order to place myself beyond the power of those charges, I should protest to your Excellency, and in the face of the entire world, that I obtained my liberty without subscribing to any conditions whatever; that either before or since that conjuncture I have not made with any one, let him be who he may, any contract that might bring reproach upon the national independence or honour, or place in jeopardy the integrity of the territory; that I accordingly could have given no guarantees whatever to any individual or government relative to those pretended stipulations; and before consenting, either willingly or through force, to any such conditions, I would have suffered a thousand deaths before subscribing to such terms.

"Your Excellency will be pleased to make known all these facts to the President *ad interim*, and to felicitate him on account of the peace which reigns throughout the Republic under

the auspices of the new fundamental laws which the nation has enacted through the medium of their representatives."

Assuming the fact that the acquisition of Texas by purchase was impracticable through Santa Anna's intervention, or otherwise, the only mode by which President Jackson could hope to accomplish his object was by compact with the Texans, and this compact could not be made, consistently with treaty obligations, without the sanction of Mexico. One of two courses, therefore, was necessary: to cancel these obligations by war, or extort the assent of Mexico by hostile menace. The first point, however, was the recognition by the United States of the independence of Texas.

Upon the propriety of taking this step there was a conflict of opinion in the Union—in several States of which the real merits of the controversy between Texas and Mexico were not at all understood, and in others they were not regarded. In the North, where Texas was only viewed in connexion with New York land-jobbing, slave-holding, and *free-trade opinions*, its people were loaded with the most opprobious epithets, which passed without examination into the journals of Europe. Even in the anti-tariff State of South Carolina, the legislature would have reported against the recognition of Texas but for the active intervention of General James Hamilton, who aided the struggling Republic by the whole weight of his political and personal influence.*

* In 1836 General Hamilton was offered, by a unanimous vote of both branches of the Texan Congress, the chief command of the army, and was invited to become a citizen, to enjoy the honours of the highest public

In the question of Texas (apart from his generous sympathy for an oppressed and gallant people), General Hamilton stood forward as the representative of those enlightened principles of commercial intercourse which promise, if thoroughly worked out, to accomplish the physical redemption of the human race, and to annihilate war by subverting its causes. He had signed the Convention of South Carolina, annulling the heavy and partial (Northern) Tariff—a measure which shook the basis of the Union, and whose destructive tendencies were arrested by the compromise effected by Mr. Clay. In Texas he had the sagacity to perceive an infant, but prospectively powerful asserter of those principles of trade with which he was identified.

In December, 1836, Governor M'Duffie, of South Carolina, the intimate friend of General Hamilton, with whom he had been associated in public life for fifteen years, sent a message to the legislature of the State, disapproving of the Texan revolution—enforcing the obligations of strict neutrality—deprecating recognition —and stating, that "under whatever circumstances of adventure, speculation, honour, or infamy the insurgents of Texas had emigrated to that country, they had forfeited all claim to fraternal regard:" they having "left a land of freedom for a land of despotism, with their eyes open, deserved their destiny." A Report from the Committee of Federal Relations, in the House of Representatives, was sent up to the Senate for their concurrence, which contained an implied sanction of the Governor's opinions, not only as to the respective merits

trusts. He declined the offer, owing to domestic engagements in South Carolina, and out of delicacy to distinguished citizens of Texas.

of Mexico and Texas in the existing contest, but also as to their respective claims to American regard. As Chairman of the Committee of Federal Relations in the Senate, General Hamilton drew up a Report in answer to the Message, vindicating, from a knowledge of the facts, the conduct of Texas, which Report was supported by Mr. Poinsett (formerly minister to Mexico), and adopted without a division, by nearly a unanimous vote. After noticing the general characteristics of the Texan struggle, the Report alluded to the future relations between Texas and the United States.

"The sequel of this deeply-interesting drama must be left to the dispensations of a wise Providence, whom we are taught to believe orders everything for the best. There may be those who suppose that it will be neither the policy of the United States to recognise the independence of Texas nor to admit her into the Union. We do not desire to anticipate the vast considerations which enter into this subject. To such persons it might be said, that although both of these privileges might be denied, yet we cannot strike Texas from the map of the physical globe, nor from her territorial location. There she stands as our neighbour, for good or for evil, touching our frontier at a point of intimate community with our most sensitive interests, and alluring, by her immense and boundless fertility of soil, a stream of emigration which is destined to make her a great State in our confederacy or a powerful separate empire."

General Hamilton addressed the Senate on the motion for the adoption of his Report, and the consequent rejection of that from the House of Representatives. He met the Southern objection to the recognition of

Texas, on the ground of competition in products, and maintained that the difficulties and evils of this competition were not to be obviated by withholding recognition, when Texas had established her claim to it according to the law of nations.

"Would our refusal to recognise her independence, or admit her into the Union, in the language of the Report, 'strike her from the map of the physical globe?' Would it curse with an irreversible sterility the teeming fertility of her exuberant soil? Would it cover with a blight the cotton plant, which in that favoured country grows almost with the perennial magnificence of a tropical production? Would our refusal check the current of her rivers in their journey to the ocean, freighted with the richest staples of the finest agricultural country probably in the habitable globe? Would, in one word, our refusal to receive her as a member of this Confederacy check that disastrous stream of emigration that, without a reflux, is steadily setting west? No, not one jot. Let Texas once establish her independence, and a separate Republic, and throw open a series of free ports to the commerce of the world, and he would ask, whether the dangers of her competition would not be vastly augmented from the fact that, whilst her planters would make one-third more cotton to the acre than is produced on the richest Mississippi bottom, the exchanges on the commodities, destined to purchase the staples of Texas, would come into that country burdened with 30 per cent. less of taxation?

"In this view the subject is scarcely less important and interesting to the merchant and manufacturer at the North. For what would become of their respective trades, with millions of untaxed British navigation crowding the ports of Texas, and millions of British manufactures introduced

through Texas, flooding the vast valley of the Mississippi? These momentous considerations would have, he beleived, to be presented one day or other, and that perhaps not very distant, to the deliberations of the American people. He trusted that their decision would add fresh stability and harmony to the Union."*

Mr. Poinsett, in supporting the motion, made the following observations:—

"Ought we to imitate the conduct of the members of the British Parliament, who condemned them in unqualified terms, while they accused this government of fermenting the revolution of Texas, in order to acquire possession of that territory? Mr. Ward, who took the lead in that debate in the House of Commons on the 5th August last, from the circumstance of his having been the British Envoy in Mexico, asserted that the United States 'had long regarded Texas with covetous eyes, and that to obtain possession of that province had been the first object of its policy'—now this opinion is contradicted by the fact that Mr. Adams might, if it had been judged expedient to do so, by Mr. Monroe's advisers, have obtained possession of it by treaty. There was no serious obstacle to his extending our boundary so as to embrace Texas, when he made the treaty of limits with Don Luis Onis. It was an error—of which he became afterwards fully convinced. Mr. Ward said further, that he (Mr. Poinsett) had sought, during their mutual residence there, to acquire Texas for his government, and had made proposals to purchase the territory for ten millions of dollars. This, too, is a great mistake. He did not doubt that Mr. Ward had been so informed;

* I quote from the *Columbia* (South Carolina) *Telescope*, of December 21st, 1836.

but the intelligence he received on that occasion was erroneous and unfounded. The American Government never made any overtures to Mexico for the purchase of Texas through him, nor during his residence there. Mr. Ward insinuated that these negotiations were conducted through the former Vice-President of Texas, Don Lorenzo de Zavala, of whom he took occasion to speak disparagingly—'a man of talents, certainly; but totally destitute of principle'—which simply means that he was not of the English party, but devotedly attached to republican principles—a devotion which he has displayed throughout all the trying scenes of the revolution in Mexico. In his youth he was immured four years in the dungeons of the castle of Ulloa, for having dared to murmur against the tyranny of Spain. Upon the adoption of the Constitution in that country in 1812, he was liberated and sent to Madrid by his countrymen to plead for the liberties of Americans, which he did fearlessly and eloquently. When the revolution took place that separated Mexico from the mother country, he returned home and placed himself in the first rank of those who sought to give republican institutions to his country; and when the last change took place, he indignantly returned his commission of Minister to France to Santa Anna, and retired to his farm in Texas, declaring that he had received the appointment from a free government, and would not serve a tyrant. He said, in reply to Mr. Ward, that the United States had maintained a strict neutrality in the controversy between Mexico and Texas, and had acted with the most perfect good faith towards both parties.

"From what he (Mr. Poinsett) had seen and known of the policy of our government in this particular, he thought South Carolina might repose upon the wisdom and prudence of their councils. He presumed the same course would be pursued towards Texas that had been pursued towards the

States of Spanish America. When a government *de facto* existed there, capable of maintaining its independence, it would, he presumed, be recognised by this country. Such an act could not be regarded as a cause of war by Mexico. It had not been so considered by Spain; and when we recognised her revolted colonies, the amicable relations between the two countries were not interrupted." * * * * If the annexation of Texas to these United States should become afterwards a question between us, and the proposal should come from them, he hoped it would be entertained by this country favourably. He believed that the best interests of this country would be consulted by the adoption of such a measure. If the time of the Senate permitted, and it were a question fitting to be entertained here, he thought he could prove conclusively, that the interests of the whole Union, and especially of the South, required that Texas, if once separated from Mexico, should be annexed to these United States.

"The result of the contest between Mexico and Texas was, as truly said in the Report, in the hands of Providence. He thought it too probable that the Texans might be driven from their homes by the overwhelming forces preparing to march against them, but the Mexicans cannot keep possession of that State—that government cannot maintain a large standing army at so great a distance from the capital. They would be compelled to withdraw it in a short time, and the Texans will re-occupy the country. To Mexico this is a perilous contest. Their retreating forces may be followed to the centre of their fertile fields. This danger is the more imminent as all the States north of Tamaulipas are essentially republican, and have submitted unwillingly to the repeal of their free institutions. Whatever reverses Texas is still destined to undergo, if that people continue firm and united, they must ultimately be free."

On the 3rd of March, 1837, the last day of President Jackson's official existence, he signed the resolution of the Congress of the United States for the acknowledgment of the independence of Texas.

On the 27th of May, under the Presidency of Mr. Van Buren, Mr. Robert Greenhow, a clerk in the Department of State at Washington, was sent with despatches to Mexico, with instructions to deliver them at the proper department, and remain one week for a reply. Mr. Greenhow executed his mission on the 20th of July. The documents transmitted to Mexico consisted of fifty-seven articles of claims, with proofs and vouchers, which the Mexican minister, on the 29th of July, said it was impossible to translate and consider in the specified time.

On the 6th of July, General Hunt (formerly of North Carolina) was presented by the acting Secretary of State to the President of the United States, as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas. The object of General Hunt's mission was to effect the annexation of Texas to the Union. In pursuance of this object, he addressed a long communication on the 4th of August to the American Minister, Mr. Forsyth, in which, after reciting the principal events of Texan history, he urged the proposition he was instructed by his government to submit.

"In the short period of two years," he said, "Texas has revolted, formed a provisional government, declared her independence, achieved it by the sword, formed and adopted a civil constitution, established a permanent government, and obtained at the hands of one of the most powerful governments in the world the acknowledgment of her independence." * * * *

"Texas, in seeking to place herself among the States of the Union, is prompted mainly by a filial reverence for the constitution and the people of the United States. She has no expectation of an invasion, much less of a reconquest, at the hands of Mexico. The humiliating defeat and capture of General Santa Anna at San Jacinto is too fresh upon the memories of her soldiery to justify the indulgence of any such apprehensions. Nor does she seek annexation as a shield of protection against the interference of European monarchies. Since the recognition of her independence by the government of this country, she has too much reliance upon the wisdom and the justice of England and France to suppose that either of the crowned heads of those two nations will occupy any other than positions of the most decided neutrality with reference to the difficulties between Mexico and herself; and should this proposition of annexation not be acceded to by this government, she confidently expects at the hands of every civilized nation of Europe the honours of a recognition as a preliminary step to the formation of treaties of Amity and Commerce.

"In reviewing the interests of the two Republics, involved in this question of annexation, the undersigned cannot concede that the United States encounters an equal sacrifice with the people of Texas. Texas brings to this negotiation not only the resources already recapitulated, but her sovereignty. She brings too that which, in the eyes of the naval powers of Europe, will constitute the material ground for the formation of the most liberal commercial treaties, viz., her immense forests of live oak, comprising, according to the estimate of President Houston, in his Message of the 5th May, 1837, 'four-fifths of all that species of timber now in the world.' She brings, too, a market for all the various manufactures and for all the agricultural products of the United States, except-

ing those of cotton and sugar, and these she will contribute from her own soil to swell the already colossal amount of the exports of this nation. The territory, and with it the enterprise of the country, will be extended; her political power will be increased, and the undersigned trusts that he will not be considered intrusive in expressing his deep conviction that the union of these States will be strengthened by the annexation of a people whose proudest impulses are for its continuance and glory.

"What advantages the United States brings to this negotiation the undersigned will not presume to suggest. Her immense resources, her splendid fleets, her power to raise armies, her magnificent government, her unexampled career of prosperity, her incomparable administration of justice, and, finally, all her attributes of greatness, are sources of as much congratulation to the people of Texas as they can possibly be to herself. What Texas wishes at the hands of the government of this Union is simply annexation, an amalgamation of flags; and the undersigned assures the Honourable the Secretary of State that this is the solitary advantage which he seeks to gain in this negotiation, but which he begs leave to say he hopes to accomplish upon the high principle of a strict adherence to the just rights and dignity of the sovereignty of the Texan nation.

"The undersigned will not conceal from the Honourable the Secretary of State his apprehensions that any delay in the conclusion of the treaty of annexation may be fatal to its ultimate accomplishment. Diplomatic relations with foreign powers are now in the progress of being established, and the result of these interchanges will be commercial treaties, involving difficulties which may be insurmountable in any subsequent arrangement of the question; and, therefore, the undersigned is specially instructed to urge, with as little delay

as possible, the immediate discussion and negotiation of a treaty of annexation. Texas is not disposed to yield to any foreign nation the privilege of her coast, involving the command of the Gulf of Mexico, nor can she concede them to the United States, unless in a treaty of Union. As an independent power, her interests would conflict with those of the United States; and without annexation, her struggle in the formation of commercial treaties would most naturally be directed to the establishment of the principle of a preference of her cotton and other products in foreign markets over those of the United States; and such relations, when once established, would, it will be at once perceived, very much embarrass, if not render totally impracticable, a treaty of annexation.

"It is a matter not to be disguised, that Texas must chiefly people her extensive domain from the United States. With a soil better adapted to the cultivation of cotton and sugar than that of this country, and with all the benefits of commercial treaties concentrated upon the advancement of these two interests, she would present herself as a powerful rival to the agriculture of this Union. With the same political institutions, a cheaper soil, and superior advantages to the cotton and sugar planter, she would drain this country of much of its most valuable labour and population, but whether to such an extent as seriously to affect the interests of the United States, the undersigned will not presume to suggest. Texas, too, as an independent nation, must, in the regulation of her land system, present, in the cheapness of her prices, the highest inducements to emigration, and will, no doubt, soon claim the attention of that Trans-Atlantic enterprise and capital which now flow into the United States.

"The undersigned begs leave most respectfully to suggest to the Honourable the Secretary of State, that, in the event

of Texas remaining in the attitude of an independent power, there will arise, from the very strict resemblance of the people and the institutions of the two countries, many questions of conflicting interest, the adjustment of which will be most difficult and painful. It would be impossible for the people of Texas to regard those of the United States in the character of foreigners, and separated from one another by only an imaginary line. It may fairly be predicted that the local authorities of the two powers would come into frequent and violent collision. The administration of the law would be interrupted, or its penalties evaded; and, in the general entanglement of jurisdictions upon the frontier, it is feared that public justice would not be well sustained. It would be impracticable for either power to enforce its revenue system; and should the tariffs of the two countries differ essentially, as must be the case, nothing but the enforcement of the most cruel and unpopular laws could possibly secure the just collection of custom-house duties.

"The undersigned, in discussing this question, begs to call the attention of the Honourable the Secretary of State to the fact, that the annexation of Texas would ensure to the United States the complete command of the Gulf of Mexico. There is no point on the whole coast of that magnificent sea more admirably suited to the purposes of a naval depot than Galveston; and, situated as it is, in the midst of interminable groves of live oak, ships of war might be built and equipped for sea, as it were within sight of the very forests out of which they were constructed. This country having already a vast interest to protect on the shores of the Gulf of Mexico, the concentrated trade of the west, at New Orleans, of Alabama, at Mobile, and of the Florida cities, would find in the possession of Texas the means of occupying a position of decided supremacy over the waters of the gulf; and it is

questioned whether even the possession of Cuba would bring with it those facilities of controlling and keeping in check the pretension of a rival power, which would accrue from the extension of the limits of the United States to the line of the Rio del Norte.

"It is most respectfully suggested whether the annexation of Texas would not contribute to ensure the peace of the Indian frontier of the two countries, and thus extend to the farthest south-west the boundaries of civilization, and the protection and privileges of order and good government. By her admission into the Union, the present south-western States could be easily protected from the numerous tribes of the Comanches and other savages now accumulated on their frontier; and it is questioned whether anything would so impress the minds of the Indian warriors with a sense of our power as the union of two people, whom, even divided and single-handed, they found to be invincible in arms.

"The undersigned most respectfully represents to the Honourable the Secretary of State, that in this paper he does not presume to have presented all the inducements to the Union of the two Republics. He has not thought it respectful to trespass upon the attention of the Honourable the Secretary of State, either by an extended detail of the resources of Texas, or of the mutual benefits involved in a treaty of annexation. The mineral wealth of the country, comprising valuable mines of silver and lead, immense strata of iron and coal, and salt springs in great abundance, has not been properly appreciated. Nor has the undersigned thought it necessary to allude to the immense fur trade which would be thrown into the lap of the enterprise of the United States by the annexation of Texas. The great aid and facilities which Texas, as an integral part of the Union, might render to the adventurous traders, who, in caravans, penetrate from Missouri to

Santa Fe, and in general to the inland trade of the United States, with the countries bordering on the Pacific, have all been left unexplained; and the undersigned throws himself upon the courtesy of the Honourable the Secretary of State in desiring him to believe that, as he has not entered into any of the details of such a treaty of annexation as Texas might propose, but confined himself to the submission of the proposition itself, so he has not thought fit to discuss severally all the various interests involved, but merely has subjected them to a general, and, he trusts, a candid review.

"In closing this paper, the undersigned appeals to the Honourable the Secretary of State, and referring him to the details of the history of the Texan revolution herein set forth, asks, in the name of national honour, humanity, and justice if a nation whose career has been marked, like that of Mexico, by a constant violation of the most solemn treaty obligations, by a series of the most licentious revolutions, by a most shameful prostitution of the lives, liberties, and the property of her people, and, in short, by every act of perfidy and cruelty recorded in the history of barbarians, has not thereby forfeited all claims to the respect of the governments of civilized nations? Look to her continued interruptions of the peaceful citizens of Texas, industriously engaged in the improvements of their estates and in the actual aggrandizement of the Mexican empire; to her demolition by military force of the constitution of 1824; to her bloody war of extermination under President Santa Anna; to her butchery of those gallant Texans who surrendered their arms under the sacred flag of a capitulation in which their lives were guarantied; and pronounce if the enormity of her misdeeds entitles her to be any longer considered, the undersigned will not say a nation of responsibility, but even humanity. The undersigned, however, forbears to continue this appeal, so irrelevant,

and perhaps so unnecessary, to the due consideration of the subject under discussion.—The world will do ample justice to the magnanimity of Texas, in forbearing to visit upon the heads of the recreant tyrant and his captured host that retaliation which their offences against the laws of nations and the rights of mankind so signally deserved.

"In conclusion, the undersigned most respectfully begs leave to congratulate the Honourable Secretary of State upon the spectacle exhibited in this discussion, and which is so honourable a commentary upon the excellence of the government of this country, viz., a sovereign, free, and warlike people, fresh from the fields of their own victories and glory, seeking to surrender their nationality as the price of a place among the United States, to become participants of the wisdom of its laws, and the renown of its arms."

Mr. Forsyth communicated the decision of the President* respecting the proposition submitted by the Texan envoy, on the 25th of August.

"In giving to the undersigned instructions to present, in reply, a prompt and decisive indication of the course it has been deemed necessary to adopt, the President indulges the confident expectation that no unfriendly spirit towards the government or the people of Texas will or can be imputed to the United States.

"Neither the duties nor the settled policy of the United States permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow

* Although Mr. Van Buren was personally in favour of Texan annexation, it was not a measure of his administration—which was formed on principles of compromise—he being "a Northern man with Southern opinions." Those opinions were favourable to a liberal system of trade; he was consequently a real promoter of peace with England.

them, if even admitted to be correct, to control the decision of the question presented by him. The United States were foremost in acknowledging the independence of Mexico, and have uniformly desired and endeavoured to cultivate relations of friendship with that power. Having always, since the formation of their government, been exempt from civil wars, they have learnt the value of internal quiet, and have consequently been anxious yet passive spectators of the feuds with which their neighbour has been afflicted. Although in the controversy between Texas and Mexico, circumstances have existed, and events have occurred, peculiarly calculated to enlist the sympathies of our people, the effort of the government has been to look upon that dispute also with the same rigid impartiality with which it has regarded all other Mexican commotions.

"In determining with respect to the independence of other countries, the United States have never taken the question of right between the contending parties into consideration. They have deemed it a dictate of duty and policy to decide upon the question as one of fact merely. This was the course pursued with respect to Mexico herself. It was adhered to when analogous events rendered it proper to investigate the question of Texan independence. That inquiry was made with due circumspection, and the result was not arrived at until its probable consequences had been accurately weighed. The possibility of a collision of interests, arising, among other causes, from the alleged superior aptitude of the climate and soil of Texas for the growth of some of the staples of the United States, was not overlooked. A sense of duty and a reverence for consistency, however, it was considered, left this government no alternative, and it therefore led the way in recognising Texas. A hope was certainly entertained that this act, and the motives that conduced to it, even if no other

considerations were to have influence, would point out to the Government of Texas the propriety not only of cherishing intimate and amicable relations with this country, but of abstaining from other connexions abroad which might be detrimental to the United States. Apart from this, however, it was presumed that government would enter upon the execution of the intentions intimated by its Envoy Extraordinary, with respect to connexions with foreign powers, with a full understanding of the just and liberal commercial stipulations existing between the United States and other nations. A pervading principle of those compacts is impartial treatment of the citizens, vessels, and productions of the parties in their respective territories. As it was not to be believed that the commercial allies of the United States would swerve from their engagements, no apprehension was felt that the interests of this country would suffer from the arrangements which Texas might enter into with them.

"The question of the *annexation* of a foreign independent State to the United States has never before been presented to this government. Since the adoption of their constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them, this government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well being of all, imperatively urged upon this government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honour should be perilled by adhering to it, we patiently endured for a time serious inconveniences and privations, and sought a transfer of those regions by negotiation, and not by conquest.

"The issue of those negotiations was a conditional cession

of these countries to the United States. The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan government, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a state with an independent government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on the region ceded by France in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a State, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate.

"So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan Minister Plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico; a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

"The inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated; but powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty

obligations and respect for that integrity of character by which the United States have sought to distinguish themselves, since the establishment of their right to claim a place in the great family of nations. It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal force in impelling her to preserve, as an independent power, the most liberal commercial relations with the United States. Such a disposition will be cheerfully met in a corresponding spirit by this government. If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded."

The Texan minister addressed another communication to Mr. Forsyth on the 12th of September, from which I take the following extracts:

"The venerable ex-president General Jackson was so strongly impressed with a belief, at one time during his administration, that the negotiation then pending for the acquisition of Texas would be brought to a speedy and favourable issue, that he tendered the office of Governor of the Territory of Texas to the late Governor H. G. Burton, of North Carolina, to be entered upon so soon as the treaty of cession should be completed. See a publication on the subject of Governor Burton's appointment. The same principles, it appears to the undersigned, were involved in the negotiation for the acquisition of Texas from Mexico, previously to the

recognition of the independence of the latter by Spain, which are now presented by the question of the annexation of Texas to the United States previously to the recognition of *her* independence by Mexico; and had his Excellency the President of the United States entertained any inclination to negotiate a treaty for the annexation of Texas—a hope which had been fondly cherished, as he had expressed a determination to carry out the measures and conform to the general policy of his venerable predecessor—it does appear to the undersigned, but with distinguished deference to the Honourable Mr. Forsyth's opinions to the contrary, that neither a sense of duty, nor the settled policy of this government, during the administration of the venerable ex-president, would have prevented an examination into the accuracy of the historical facts accompanying the proposition. That brief compendium, which is believed to be correct, will show that there is as little prospect of the recovery of Texas by Mexico at this time, as there was of the reconquest of Mexico by Spain at the time that General Jackson believed that the *charge d'affaires* (Mr. Butler) of this government had succeeded in negotiating the acquisition of Texas. If the act of the annexation of Texas would involve the United States in a war with Mexico at this time, the undersigned is at a loss to perceive why a similar result was not anticipated with Spain in event of a cession of Texas by Mexico. Texas asked nothing more of the United States, in proposing to negotiate for her annexation, than the United States had previously desired of Mexico, when General Jackson was at the head of this government—for Mexico was then as much at war with Spain as Texas now is with Mexico—and it is believed that as friendly treaty and commercial relations existed between Spain and the United States at that time as are now maintained between the United States and Mexico.

"In addition to the fact that this government, when ad-

ministered by the sage of the Hermitage, proposed the acquisition of Texas by purchase from Mexico, many years before the recognition of her independence by Spain, the undersigned most respectfully invites the attention of the Honourable the Secretary of State to the report of the House of Representatives of the State of Mississippi, contained in a newspaper which he herewith presents. That report, which is said to have been adopted unanimously, alludes in strong terms to the subject of the right of this government to admit Texas into its confederacy; and the undersigned refers to it thus particularly, that he may be sustained by high authority when he assures the Secretary of State of the United States, that, in submitting the proposition of annexation, it was far from his intention to ask the government of the United States to accede to a measure which Mr. Forsyth was instructed to say was believed to involve unjust principles. The undersigned assures the Secretary of State of the United States, that he could not knowingly consent to be the medium of presenting any proposition asking of the United States a disregard of just principles.

"After the assurance of the Honourable Mr. Forsyth, that a sense of duty and a reverence for consistency left his government no alternative in leading the way in recognising the independence of Texas, the undersigned confesses some surprise at the intimation of Mr. Forsyth, that the circumstance of her having been *first* recognised by the United States should in any manner influence the foreign intercourse of Texas. However much the government of Texas may be disposed to encourage the most friendly relations with the government of the United States, the undersigned assures the Honourable the Secretary of State, that the government of Texas does not consider that any particular foreign policy was implied or made binding upon her by the circumstance of her independ-

ence having been first recognised by the government of the United States. The representatives of Texas, in their interchanges with foreign powers, will not accept the recognition of her independence, unless it is unconditional in this respect. In all their negotiations and treaties with foreign powers, the best interests of their own government and people will doubtless be consulted, and must indicate the policy which they will be directed to adopt. With even the same permanent policy in its commercial interchanges with the United States, which may exist with the most favoured nation, the undersigned cannot guarantee for his government that any advantages shall accrue therefrom to the manufacturing interest of the United States; for it is understood that that great interest is mainly sustained in the United States by the protection afforded by high duties against the competition of similar interests in foreign nations, where labour and the facilities for manufacturing are more available, and at cheaper rates. Such being the case, it is apparent that, even should no detriment accrue to the manufacturing interest of the United States from the vicinity of Texas as an independent nation, certainly no advantages affecting that interest can be anticipated.

"The apprehension of the Honourable Mr. Forsyth, that the refusal of this government to negotiate for a treaty of annexation, thereby declining all the commercial and other advantages which would be secured by that measure, may induce an attempt on the part of the government of Texas to extend its commercial relations elsewhere on terms most favourable to its own welfare and prosperity, is perfectly natural; but the undersigned assures Mr. Forsyth that such endeavours will not proceed from any unkind feelings to the government and people of the United States; and he would take this occasion to reiterate the friendly disposition of the government and people of Texas towards the government and people of

the United States, which he had the honour to communicate in his note of the 4th of August. Should, however, the foreign commercial and other relations of the Republic of Texas necessarily become such as seriously to affect the interests of the United States, or any portion thereof, the undersigned conceives that it would be unreasonable for the government and people who had been freely proffered all she could bestow, and yet declined the offer, to complain of her on the ground of looking to her own interest primarily. Texas has generously offered to merge her national sovereignty in a domestic one, and to become a constituent part of this great confederacy. The refusal of this government to accept the overture must for ever screen her from the imputation of wilfully injuring the great interests of the United States, should such a result accrue from any commercial or other regulations which she may find it necessary or expedient to enter into with foreign nations.

"Should it be found necessary or expedient hereafter, for the proper promotion of the interests of her own citizens, to lay high duties upon the cotton-bagging so extensively manufactured in the western States, and upon the pork and beef and bread-stuffs so abundantly produced in that region, such as would amount to an almost total prohibition of the introduction of those articles into the country, much as her government and people would regret the necessity of the adoption of such a policy, she would be exculpated from the slightest imputation of blame for taking care of her own welfare and prosperity after having been refused admission into this Union.

"The effort which the government of the undersigned is making to open a commercial intercourse with Great Britain and France, it is believed will succeed. Apart from the disposition of those two powers to avail themselves of the great

advantages which must result to every nation with which Texas may form intimate commercial relations, it is believed that they, as well as the United States, cherish a liberal sympathy for a people who have encountered the most cruel treatment at the hands of Mexico.

"Reason would seem to indicate that the foreign policy of Texas will be dissimilar to that of the United States. Texas is now, and it is believed will continue to be, an almost purely agricultural country. The agricultural interest will claim the almost exclusive attention of the government: possibly from the circumstance of her climate and soil being so well adapted to the growth of hemp, and the great demand for rope and bagging in a cotton-growing country, the manufacturers of these solitary articles may be encouraged at an early period; but with these single exceptions, it is not apprehended that the capital and labour of the country can be so profitably employed in any other species of industry as in the planting interest. On the other hand, the interests of the United States are numerous and greatly diversified; and it is presumed that it was found necessary to establish such a foreign policy as would best reconcile them and redound to the advantage of each.

"With the most rigid adherence to whatever is just and right, the government of Texas will naturally pursue such a course of policy, foreign and domestic, as will best conduce to the increase of her wealth and population, and thereby her national power and consideration. In its intercourse abroad, it will endeavour to find those markets where her agricultural products, cotton, sugar, rice, tobacco, &c., will obtain the highest prices, and where such articles as may be needed for home consumption may be procured at the lowest rates. If these advantages are presented in the commercial intercourse with the United States, the undersigned need not say

that the warm predilection of the government and people of Texas for the government and people of the United States would render such an intercourse as agreeable to the former as it would doubtless be advantageous to both.

"The undersigned most respectfully assures the Honourable Mr. Forsyth, and through him his Excellency the President of the United States, that the prompt and decisive rejection of the proposition for the annexation of Texas to the United States will not be imputed to an unfriendly spirit to the government and people of Texas."

Notwithstanding the belligerent position assumed towards Mexico by the United States, diplomatic relations between the two countries were renewed in the autumn of 1837, and a Mexican minister (Martinez) despatched to Washington. Reports and claims were interchanged by this functionary and the American Secretary of State, accompanied by reciprocal assurances of a desire to arrive at an amicable arrangement of pending differences. No satisfactory arrangement was, however, made before the meeting of Congress in December, when the President, after a "careful examination" of documents, and "considering the spirit manifested by the Mexican Government," said it had become his painful duty to return the subject as it then stood to Congress, to whom it belonged "to decide upon the time, the mode, and the measure of redress."

The message of President Houston to the Texan Congress, delivered on the 21st of November, 1837, intimated that the relations between Texas and the United States had undergone no change subsequent to the correspondence between General Hunt and Mr. Forsyth, of which I have given ample extracts. The President

stated that it had now become the duty of Texas to pursue such a course of policy and legislation as would at once command the respect and confidence of other nations, and secure its internal safety and prosperity. A fair and liberal policy ought to be extended to all nations that might desire to establish commercial relations with the country, or introduce their fabrics or commodities into it. A Chargé d'Affaires (Mr. La Branche), duly accredited from the United States, had been received at the seat of government, and it was believed that the most friendly understanding would be established and prevail between the two countries. In this Message, the President mentioned, in condemnatory terms, the unauthorized seizure of the "Eliza Russell," an English brig, which he had ordered to be released, and damages paid. "The circumstances of the case," he added, "were immediately communicated to the Commissioner of the Republic to England; and it was probable that the despatch would reach that country by the time of his arrival."

The proposed annexation of Texas to the North American Union had evoked a powerful opposition in the northern and middle States. The pecuniary resources of the manufacturing interest—the activity of the Anti-Slavery party—the energy of the Northern delegation in Congress, which discovered in the proposition an extension of Southern and Anti-Tariff influence, that must bear them down unless they could obtain a counterpoise of territory in British North America, were all arrayed against the acquisition of a country anxiously sought by the government of the United States, in various modes of negotiation, from 1805 to

the 4th of March, 1837. A vast number of remonstrances, memorials, and petitions against annexation were presented to Congress, "characterized," it was said, "in almost every instance, by a very exalted temper."* The legislatures of the States of New York, Vermont, Massachusetts and Ohio called upon Congress to reject the measure, and loudest in opposition was Mr. John Quincy Adams, who "had hardly ascended the Presidential chair (in 1824) before he assiduously addressed himself to the task of repairing the injury he had inflicted upon the country by the treaty of 1819, in the making of which (as Secretary of State) it has since been understood, he was the *reluctant* agent."*

The violent character of the Northern hostility to the measure of annexation, and the vituperative terms too frequently applied to the people of Texas, tended greatly to abate the desire of the latter for the contemplated union.

On the 24th of April, 1838, Mr. Preston, of South Carolina, submitted to the Senate of the United States the following resolution:—

"Whereas the just and true boundary of the United States, under the treaty of Louisiana, extended on the south-west to the Rio Grande del Norte, which river continued to be the true boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819: And whereas such surrender of a portion of the territory of the United States is of evil precedent, and questionable constitutionality:

* Speech of Mr. Preston, in the Senate of the United States, April 24, 1838.

And whereas many weighty considerations of policy make it expedient to re-establish the said true boundary, and to annex to the United States the territory occupied by the state of Texas, with the consent of the said state:

"*Be it therefore Resolved,* That, with the consent of the said state previously had, and whenever it can be effected, consistently with the public faith and treaty stipulations of the United States, it is desirable and expedient to re-annex the said territory to the United States."

This resolution, based upon such untenable ground as the re-assertion of a territorial claim that had not only been disputed by Spain, but solemnly relinquished by the United States, was ably, though of course unsuccessfully advocated by its mover, who hinted that the anti-slavery opposition was only a cover for other objects.

"But for the great respect," said Mr. Preston, "which I have for the States which have taken ground on this subject, I should be disposed to suspect that the idea of checking the extension of domestic slavery was but a hollow and hypocritical pretext, to cover political designs. The slave-holding population and the slave-holding political communities may be multiplied by the proposed acquisition of territory; but I do not see that slavery, or the number of slaves, can be increased by it. Under the mild condition of Southern slavery, the negro population increases at a greater ration than that of the whites throughout the Union, augmented as the latter is by the accession of foreigners. To this natural increase, your laws, making the introduction of slaves a felony, forbid any addition. Extend the territory as you may, you can have only those you now have, and their natural increase. They may

be diffused over a wider surface, intermingled with a larger free population, but not one additional slave can be made."

During the agitation of the fierce sectional controversy regarding Texas in the United States, the Foreign Minister of England did not remain indifferent to the question at issue. On the 12th of April, 1837, Mr. Crawford, British Vice-Consul at Tampico, arrived at Columbia, on the Brazos, accompanied by several of the officers of the brig-of-war "Racer," Commander Hope, for the purpose of investigating the civil and political condition of the country, and reporting to Lord Palmerston. On the 23rd of April, 1838, Mr. Jones, of Brazoria, introduced the following "Joint resolution" into the House of Representatives of Texas.

"Whereas the citizens of the Republic of Texas, at their election of President and other officers, in the year 1836, expressed an almost unanimous desire to become annexed to the United States of North America; in consequence of which expression, a proposition for annexation was made, through our minister resident at the city of Washington, which proposition, after having been duly considered, has been distinctly and unconditionally refused by that government, and for reasons which it is impossible for time or circumstances to invalidate or alter: and whereas it is believed that Texas, having interests at variance with those of a large portion of the United States, and having also demonstrated her ability for self-government, and for successfully resisting the efforts of her imbecile enemy to subjugate her, and now trusting, as a wise policy dictates, to her own strength and resources, no longer desires such annexation: and whereas it is a fact that, pending this hopeless negotiation, the recognition of the

independence of Texas by England and other powers, so essential to our welfare, is delayed or prevented—

"Be it resolved by the Senate and House of Representatives of Texas, in Congress assembled, that his Excellency the President be authorised and required, so soon as he may think proper, to instruct our minister resident at Washington respectfully to inform the government of the United States of North America, that the government of Texas withdraws the proposition for the annexation of Texas to the said United States."

This resolution was approved by the House of Representatives, and was all but carried in the Senate—the majority against it being only one—Ayes 13, Noes 14. Extracts of a letter from the Texan diplomatic agent in London were read by a member of the Senate, which acknowledged friendly dispositions on the part of the British government towards the Republic, whose ability to maintain its independence was, however, doubted. That independence could not, at all events, be recognised so long as Texas continued to request annexation to the United States. In the latter country, the speaker observed, there were interests that clashed with those of the young Republic. The same speaker read several passages of a speech by the Hon. John Quincy Adams, upon the subject of the annexation of Texas to the United States, to show the feeling upon the subject north of the Potomac.*

* Dr. Channing's Letter to the Hon. Henry Clay shows the strong sectional feeling entertained by even a philosophic religionist of the North with regard to the extension of Southern influence by the annexation of Texas to the United States. The Doctor, after assuming the truth of the most absurd calumnies against Texas, complains that Northern "com-

On the 21st of March, 1838, an ultimatum, in relation to the claims of France for reparation of injuries, was transmitted by the French minister, on board the frigate "L'Hermoine," at Vera Cruz, to the Mexican government. Redress was demanded for "plunder and destruction of property on the part of the people, and on the part of contending factions in time of civil commotion; for forcible loans, collected by violence, and for refusal of justice, or arbitrary decisions, iniquitous and offensive to the security of person and property, resulting from administrative authority, military or judicial." A blockade of the Mexican coast followed this demand in May, and the hostilities which ensued liberated Texas from the apprehension of invasion. A convention for running the boundary between Texas and the United States was signed at Washington on the 25th of April, and on the occasion of exchanging the ratifications of this convention, at a subsequent period, the application for the admission of Texas into the Union was withdrawn. The diplomatic note of the Texan minister (the Hon. Anson Jones) to Mr. Forsyth, stated that, although the question of annexation "had been considered by the United States' government as finally disposed of, yet, inasmuch as the impression appeared still to remain upon the public mind, in both countries, that

merce and manufactures have sometimes found little mercy at the hands of the South. We cannot consent," he says, "that our confederation should spread over the wilds of Mexico, to give us more powerful masters. The old balance of the country is unfavourable enough." It was not *all* anti-slavery enthusiasm with the eminent Bostonian. The leaning of the South towards British manufactures, in preference to the forced products of New England, had its full share in the Doctor's expostulatory warmth.

the proposition was still pending, he (Mr. Jones) had been instructed by his government to communicate to that of the United States its formal and absolute withdrawal." The withdrawal was the act of President Houston, which was approved and ratified by a joint resolution of the Congress of Texas, dated January 23rd, 1839.

There were, even in the North, some who did not regard, without dissatisfaction, the retirement of Texas upon her own resources, which they attributed to the doubts and difficulties raised by the American manufacturing interest, and the obvious benefits to be derived from a treaty with England, to which nation, it was said, Texas, as an independent state, would afford vast advantages. It would open a direct market for an immense amount of her manufactures, and an indirect outlet, through Mexico and the navigable rivers of the United States—the Indians would be supplied at a low tariff, and cotton and other products taken in exchange. In other respects, also, it would strengthen the power and influence of England. By an early alliance with Texas, that country, having on the borders of the United States a long line of territory, reaching from Nova Scotia and Upper and Lower Canada, almost to the Rocky Mountains, to the north and north-west, would exercise a direct commercial and political influence from the Atlantic to the Pacific, on the line of the Rio Grande; and would thus nearly encompass the whole Union with her territorial arms, extracting the wealth of the Mexican mines, improving communications to the heart of Mexico, and finally possessing the great key to the Pacific, and the commerce of the In-

dies, by a ship canal across the Isthmus of Darien. In this manner, it was alleged, England would be rendered greater than the United States, in influence as well as territory, on the American continent; and this had been done from sheer jealousy of Northern politicians of augmenting the power of the South. Not content with this distrust of the South, opposition to Texas had been strengthened by a "vile appeal to passion and fanaticism," and "ministers of the gospel had been permitted to mount the pulpit, and fulminate denunciations against Texas and the interests of the South. And what was the excuse? 'It was necessary to keep the Union together. Texas would have divided the Union.' Was not the period of separation fearfully accelerated by making Texas a sovereign and independent power, with such an ally as England?"

The question of Texan annexation, or independence, presented an embarrassing dilemma to those who wished, by means of protective duties, to secure a monopoly of the home market for American manufacturers. If the United States extended their southern wing to the Rio Grande, the anti-tariff party would gain a preponderance most favourable to England. On the other hand, if Texas were independent, she might force the whole American continent into the adoption of free trade principles, which would be still more conducive to British aggrandisement, as it would "tranquillize her restless population by constant occupation, and, by returning a superabundance of raw material, in exchange for her fabrics, enable her to undersell the world."

CHAPTER III.

Cherokee Indians—Presidential Election—Policy of President Lamar's Administration—Education—Laws—Tariff—Banking—Grants to Settlers—Indian Irruptions and Designs—Expulsion of the Cherokees—Trade with the Mexicans—Mission to Mexico—French diplomatic Agent in Texas—Arrival of Admiral Baudin at Galveston—Appointment of General Hamilton and Mr. Burnley to negotiate a Loan—Recognition of Texan Independence by France—Presidential Message—State of Mexico—Treaty between England and Texas.

For the purpose of furnishing a clear consecutive statement of the events and transactions detailed in the preceding chapter, I have been obliged to depart from chronological order, from which, indeed, I have more than once had occasion to deviate for the like reason. The course of the narrative still lies within the period of General Houston's administration, which, according to a provision of the Constitution restricting the first Presidential term to two years, commenced in 1836, and was to terminate in 1838.

Defensive preparations, the settlement of land titles, measures of finance, and Indian feuds and negotiations, chiefly occupied the Texans during 1837-38. To many of the settlers the policy of President Houston with regard to the Cherokees and other north-eastern tribes gave great dissatisfaction. It appears by the Journal of the Consultation of Texas, held at San Felipe, October 16th, 1835, that the delegates assembled in Convention had declared on the 13th of November—"That the Cherokee Indians and their associate bands had de-

rived their just claims to lands, included within a district lying north of the San Antonio road and the Neches, and west of the rivers Sabine and Angelina, from the government of Mexico, from which the declarants had also derived their right to the soil—by grant and occupancy." The Consultation further declared that they would guarantee to said Indians the peaceable enjoyment of their rights to these lands, pronouncing all grants, surveys, and locations within the specified bounds null and void, and calling on the Commissioners who had issued the same to recall and cancel them, as having been made upon lands already appropriated by the Mexican Government.* Upon the basis of this declaration, three Commissioners, of whom General Houston was one, had been deputed to negotiate a treaty with the parties indicated.

Bowles, the Cherokee chief, the offspring of an Indian woman by a Scottish father—a shrewd, intelligent man—had made strenuous endeavours to obtain for the tribes a grant of the lands they occupied. Almonte's Report establishes the fact that, at the close of 1834, Bowles and his colleagues had not succeeded in their application—the petition being at that time only on its way to the Mexican Government. It was obviously the policy of Mexico to hold out the inducement of a land grant to the Indians, in order to obtain their co-operation against the Colonists, but no evidence has been adduced of the perfecting of such a grant. The declaration of the Consultation, therefore, in the absence of a Mexican title, was deemed inoperative by most

* Since a previous allusion to this subject, I have procured the Journals of the Consultation.

of the Texans, who also held that the Consultation, in framing the declaration, had exceeded their powers, which were not plenary.

General Houston, who had been mainly instrumental in obtaining the pledge from the Consultation, accompanied by Mr. Forbes of Nacogdoches, met Bowles, Big Mush, and some other chiefs, delegated by the Indians, on the 23rd of February, 1836, at the Cherokee village, and concluded a treaty. By this treaty, the Cherokees and their associate bands were to receive a fee-simple title to all the land lying "west of the San Antonio road, and beginning on the west at the point where the said road crosses the river Angelina, and running up said river until it reaches the mouth of the first large creek below the great Shawnee village, emptying into said river from the north-east. Thence running with said creek to its main source, and from thence a due north line to the Sabine, and with said river west; then, starting where the said San Antonio road crosses the Angelina, and with said road to where it crosses the Neches, and thence running up the east side of the river, in a north-westerly direction." The Convention at Washington, which declared the independence of Texas and framed the Constitution, refused to accept this treaty, of which nothing more was heard until the elevation of General Houston to the Presidency, when he pressed its adoption with all the weight of executive influence. It was, however, formally rejected by the Senate, in secret session, on the 16th of December, 1837.

In the mean time, the Cherokees had opened negotiations covertly with the Mexican Government, and had, according to official documents filed in the State

department of Texas, concluded an agreement by which they were to have, not only the territory comprised in the stipulations of 23rd February, 1836, but concessions much more extensive, provided they succeeded in ejecting the Anglo-Mexicans from the country. Still, President Houston contended that these Indians were entitled to an absolute fee-simple of their lands, and used every exertion to obtain a ratification of their claims. Whether or not the grant of the lands would have secured the fidelity of the Cherokees and their associates, as the President believed, I am unable to say; but it was ere long discovered, that they had formed a league with the Mexican population about Nacogdoches to attack simultaneously the Anglo-American inhabitants. For the accomplishment of this design, a considerable quantity of arms and ammunition had been procured, and numbers of Cherokees, Creeks, and Seminoles invited from the United States into Texas. An accident defeated the plot. Some horses having been stolen by the Indians, their owners followed in pursuit, and traced the spoilers of their property to the general rendezvous in a swamp on the Angelina. The citizens of eastern Texas flew to arms, and a force under General Rusk dispersed the Indians and drove the revolted Mexicans out of the country.

In the hope of quieting the Indians, President Houston, in opposition to general opinion, ordered Colonel Horton to run the Indian boundary line, according to the terms of the unconfirmed treaty of February, 1836. Thus affairs stood between the people of Texas and the north-eastern Indians at the close of General Houston's Presidency.

In a Message to Congress, dated November 19th, 1838, the President stated that he had received no official notice of the running of the Indian line, which was in progress, having been completed, and then proceeded to specify the claims of the north-eastern tribes, and to urge the concession of the lands on the joint grounds of equity and prudence. He observed that the right of the Indians to land had been recognised by the Convention at San Felipe in 1832-3, and that the Convention of March 1836, invested with plenary powers, had generally sanctioned and confirmed all the acts of the Consultation, as well as those of the General Council of Texas. Under these circumstances, he deemed himself warranted to direct the running of the line, and upon this impression he had acted, and not, as had been alleged, because he was "willing to sacrifice principle to expediency."

"Since the ratification of the acts of the Consultation and General Council by the Convention at Washington, and since all locations, surveys, and grants not made previous to the location of the Cherokees within the territory designated, were declared null and void, and directed to be cancelled, the executive has been assured that upwards of 300 leagues of land have been located in said territory.

"Notwithstanding these facts, the Indians, relying upon the faith of the government and the pledges of the executive that justice should be done them, have remained peaceable, and now the line having been run, and the measures of the executive are sustained by Congress, the friendship of the Indians will be confirmed. If they should not be sustained, the President will feel himself perfectly vindicated in the assurance that he has pursued and recommended that policy

which alone can save eastern Texas from ruin, and the country generally from imminent danger."

Several individuals had been killed by the Indians on the waters of the Brazos, and many disasters of a similar character had occurred during the year.

"The great anxiety of our citizens to acquire land induced them to adventure into the Indian hunting grounds in numbers not sufficient for self-protection, and inasmuch as they met with no serious opposition in the commencement of their surveying, they were thrown off their guard, which afforded the Indians an opportunity of taking them by surprise, and hence they became victims to their own indiscretion and temerity. The executive anticipating the consequences that would result from penetrating into the Indian hunting-grounds to a distance where they could not possibly be aided from the settlements, used every endeavour within his power to prevent such a course. His personal remonstrances were insufficient to control the determination of those whose opinions set at naught admonitions that could not be legally enforced. The Indians, by gaining partial advantages, were induced to form more numerous associations, that have rendered them so formidable; and occasionally acquiring spoil, have since then been induced to advance upon the settlements in marauding parties, whilst the circumstance of continuing to survey within their hunting-grounds so much exasperated their feelings, that their invasions have become formidable on our frontier. It is not confined to any particular section, but is carried on more or less from the Rio Frio to the Red River.

"With regard to protecting the surveyors by an armed force, the President did not consider the government justified in employing public funds in aid of private speculation. The system of surveying and locating lands had, he said, involved

the country in all the calamities which had visited the frontier; and he therefore suggested that 'for some time to come, restrictions should be laid upon all surveying beyond the limits of the settlement, and that the enterprise which had heretofore been employed for individual benefit, should be directed in some channel that would enable the executive to repel the aggression of the Indians, and chastise them for all wanton outrages.' "

The remainder of the Message is devoted to an exposition of an alleged encroachment upon the Presidential authority by Major-General Rusk—the censure of that officer for not sustaining the civil institutions of the country, which were violated by acts of illegality towards the property and persons of Mexicans at Nacogdoches, subsequent to the rebellion — "the honest Mexican being as much entitled to the protection of law as the Anglo-Saxon"—and to the inculcation of a peaceful policy towards "all those Indian tribes who were faithful to their friendship."

An approach was made during this year to the establishment of commercial relations between Great Britain and Texas—General J. P. Henderson, the diplomatic agent of the Republic, having succeeded in effecting a commercial arrangement with the British Government, by which "Texan vessels and goods, under the national flag and with Texan papers," were to be admitted into British ports, "in the same manner as the vessels and goods of Mexico, under the scope and stipulations of the treaty with that government, and the vessels and goods of Great Britain to be admitted into the ports of Texas upon the basis of the same treaty." This arrangement, by which Texan journalists declared the people to be

"extremely gratified," was announced by proclamation of President Houston on the 4th of July, 1838.

Candidates to succeed General Houston in the Presidency had been named in May. The parties mentioned were Major-General Rusk; Vice-President Lamar; Mr. Grayson, from Kentucky; and Mr. Robert Wilson, an old settler. General Rusk (then Commander-in-Chief, and since Chief-Justice of the Republic) assigned the following reasons for declining to stand a contest, in answer to the resolutions inviting him to become a candidate:—

"About three years since, Gentlemen, I became a citizen of this country. I was firmly resolved not to seek or hold any office, nor should I have abandoned that resolution had the country remained in a state of peace and quiet; but the commencement of our difficulties with Mexico strongly threatened the destruction of our country, and our expulsion from it; and I could not reconcile it to myself to participate in the benefits, and fail to share the dangers and responsibilities; and in accepting the many offices which I have held, it has been at all times done with reluctance, and under a strong sense of duty, and I have uniformly retired from such offices when I thought that I could do so consistent with my duty. I cannot, gentlemen, be insensible to the high honour which has been conferred upon me, by the earnest request which you have made of me to become a candidate for the high and very important office of Chief Magistrate of the Republic.

"Coming, as this request does, from men of talent, integrity, and high standing—and men, too, who stood firm to the country in the darkest hour of her peril—it makes an impression upon my mind which will only be eradicated with the last pulsations of life. The manifestations of the good opinion

of the people of Texas towards me, upon so many occasions —the many expressions of confidence in me made by those with whom I have mingled, in the most trying and responsible situations of my life—are more than I have deserved or merited, and fill me with that deep sense of gratitude which I have not words to express, but which I shall bequeath to my children as the most valuable legacy which I can leave to them.

"Your request, gentlemen, places me in one of the most delicate situations which I have ever occupied, and renders the task of answering it, so as to avoid the charge of a disregard of the opinions of my friends, and a preference of private interests to the public service, on the one hand, and an imperative sense of duty, on the other, a very difficult one.

"In a correspondence with General Lamar last fall, and before that distinguished individual was before the people as a candidate, I stated to him that I hoped he would not have any hesitancy in giving his consent to the request which had been made to him to become a candidate, as there was no design or desire to have my name before the people for any office whatever. The situation of my private affairs was then, and has been since, urged as a reason for my refusal to run for the office alluded to. I feel, gentlemen, the strongest obligations to our country, and am, as I ever have been, ready to risk, or, if necessary, sacrifice my life in her behalf; and to you, gentlemen, and the many friends I have acquired in the Republic, I feel under obligations which a long life would not afford time, or means, properly to show.

"I am, however, gentlemen, poor, and involved in pecuniary embarrassments. I have, as I have before stated, a large family solely dependent on my exertions for support—not only my own, but another family, the charge of which, by the death of a brother-in-law in this country, has devolved

upon me. To them I feel obligations which you, I am sure, will duly appreciate. I feel great anxiety to place them in such circumstances that the hand of poverty shall not press as heavily upon them as it has done upon me. To these, gentlemen, I will add but two other reasons: the first of which is my great desire to avoid the turmoil and confusion consequent upon the holding of office—and I trust that the day is not far distant when I shall be able to occupy that station in society, greatly the most desirable to me, that of a private citizen. The second is on the subject of your last resolution—that of my constitutional eligibility. On the day of election I should not be eligible—not attaining to the age required by the Constitution until the 5th day of December next, being some time after the election will have taken place —which would leave this matter subject to different constructions, even were I disposed to be a candidate."

The choice of the people fell upon Mirabeau B. Lamar for President, and D. G. Burnet for Vice-President—both of whom were returned by large majorities. Their constitutional term of office being three years, they were to retire in December, 1841. President Lamar was installed in December, 1838, on which occasion he delivered his Inaugural Address:—

"The character of my administration," he said, "may be anticipated in the domestic nature of our government, and peaceful habits of the people. Looking upon agriculture, commerce, and the useful arts, as the true basis of all national strength and glory, it will be my leading policy to awaken into vigorous activity the wealth, talent, and enterprise of the country; and, at the same time, to lay the foundation of those higher institutions for moral and mental culture, without which no government, on democratic principles, can prosper,

nor the people long preserve their liberties. In the management of our foreign intercourse, I would recommend that we deal justly with all nations, aggressively to none; preserve friendly and amicable relations with such as may be disposed to reciprocate the policy, and, avoiding all protracted and perplexing negotiations, court free and unrestricted commerce wherever it may be the interest of our people to carry the national flag. Preferring peace, but not averse from war, I shall be ever ready to adjust all differences with our enemies by friendly discussion and arrangement, and at the same time be equally prompt to adopt either offensive or defensive operations, as their disposition and our own safety may render necessary."

He hoped to recommend by his example the spirit of justice and moderation in the exercise of official functions—bestowing preferment upon the virtuous and intelligent of all parties who had the good of the country, and not their own aggrandizement, in view. He would

"sustain the freedom of the press, the purity of elections, the right of opinion, and the freedom and sanctity of religion; maintain the integrity and independence of the judiciary as the great dispensary of justice, and the correction of civil, criminal, and constitutional abuses; economize the public resources; protect the frontiers; recommend equality of taxation, burdening none of the branches of industry for the benefit of others; discourage multiplicity of legislation; patronize talents, integrity, and sobriety; and support with becoming liberality all laudable and patriotic institutions, founded in reason and tested by experience. Above all things, my fellow-citizens, I shall feel it to be my imperious duty to execute the laws with impartiality; to guard the public against fraud; to

hold every individual in official station to strict accountability; and, under all circumstances, and at every hazard, to maintain order and subordination *within*, and to repel all aggressions from *without*."

There was one question of the highest national importance on which he felt it a privilege and a duty to address himself to the great body of the people—the annexation of Texas to the American Union:—

"Notwithstanding the almost undivided voice of my fellow-citizens at one time in favour of the measure, and notwithstanding the decision of the National Congress at its last session, inhibiting the chief magistrate from withdrawing the proposition at the Cabinet of Washington, yet still I have never been able myself to perceive the policy of the desired connexion, or discover in it any advantage, either civil, political, or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken would produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy. And I say this from no irreverence to the character and institutions of my native country—whose welfare I have ever desired, and do still desire above my individual happiness—but a deep and abiding gratitude to the people of Texas, as well as a fervent devotion to those sacred principles of government whose defence invited me to this country, compel me to say that, however strong may be my attachment to the parent land, the land of my adoption must claim my highest allegiance and affection."

With the surrender of her independence, Texas would yield up the right of declaring war or making peace—of controlling the Indian tribes within her borders—of appropriating the public domain to purposes of education and internal improvement—of levying her own taxes, regulating her own commerce, and forming her own alliances and treaties. She would be reduced to an unfelt fraction of a giant power, with governors, and judges, and excisemen, appointed from abroad to administer laws which she had no adequate voice in enacting, and to gather imposts for the benefit of those who levied them. Carrying into the Union wealth without proportionate influence, she would be exposed to its distractions, arising from conflicting interests and irreconcilable prejudices. As a slave-holding state, she would be assailed by the denunciations of remote and uncongenial communities. The natural resources of the soil supplied the means of adorning and beautifying the country, providing for its safety and defence, endowing institutions for the spread of virtue, knowledge, and the arts, and carrying to the door of every citizen peace, plenty, and protection. In addition to these results, he looked still farther to the important improvements Texas would be able to devise in government—to the entire revolution her example in *free trade* would effect in the commerce of other nations, emancipating it from the *thraldom of tariff restrictions*, and placing it upon the high ground of equitable reciprocity, all of which would inevitably flow from the maintenance of her position as an independent Republic.

"When I reflect upon these vast and momentous conse-

quences, so fatal to liberty on the one hand, and so fraught with happiness and glory on the other, I cannot regard the annexation of Texas to the American Union in any other light than as the grave of all her hopes of happiness and greatness; and if, contrary to the present aspect of affairs, the amalgamation shall ever hereafter take place, I shall feel that the blood of our martyred heroes had been shed in vain—that we had riven the chains of Mexican despotism only to fetter our country with indissoluble bonds, and that a young republic just rising into high distinction among the nations of the earth had been swallowed up and lost, like a proud bark in a devouring vortex.

"That the people of Texas should have been in favour of *Annexation*, at the time their votes were given on the question, is not a matter of surprise, when we consider the then existing condition of the country.—She was left, after the battle of San Jacinto, feeble and exhausted, without means and without credit; her settlements broken up; her villages desolated by ruthless invasion; and, amidst all, still threatened, in her defenceless situation, with a return of the foe, and a renewal of the sad calamities of war. Under such a state of things, no wonder that the people, harassed and almost ruined, bleeding with present wounds, and apprehending a farther accumulation of ill, should be willing to purchase momentary security by a surrender of their national independence."

For his own part, he had never despaired of the Republic, and had raised his voice against "the projected sacrifice," without regard to the difficulties of the moment; and the considerations which operated then had disappeared; the desolated plains had become green meadows and luxuriant fields: where the car of war had rolled, the husbandman now drove his plough in

safety; and, instead of a scattered and suffering population, weighed down by poverty and blighted hopes, they beheld a people daily increasing in wealth and numbers, happy in their present possessions, and anticipating higher results. Invasion, too, had lost its terrors: conscious of their strength, they well knew that the enemy had greater reason to apprehend danger from them than they from the enemy.

Never were a people so favourably situated as were the inhabitants of Texas, for the establishment of a wise and beneficent government.

"We have already laid the groundwork successfully and well, and it is only necessary now, that we pay proper attention to the strength and symmetry of the superstructure. As in the natural sciences, discoveries are daily being made, so in the art of good government, the great teacher, Time, is continually suggesting new and important changes, which, as a wise people, we should be ever ready advisedly to adopt, undeterred by the dread of innovation; and with conscious rectitude for our guide, move boldly onward in the rapid march of improvement, and keep pace with the progress of successful experiment. The American constitution is certainly the highest effort of political wisdom, and approaches more nearly to perfection than any other soccia compact for the government of man; yet a fair trial of fifty years has detected in that sacred chart many serious and alarming errors, which, if we will but wisely avoid, at the same time adopting its favourable features, and availing ourselves of all the lights of modern experience, we shall soon be able to devise and perfect a system of our own which shall surpass its model as far as that has excelled all others. To achieve this desirable end, we must turn to the great volume of History that

lies open before us, and profit by the lessons it teaches. We may gather from its faithful records, not only a knowledge of what has been tested by other nations, and found to be practically beneficial or pernicious; but we may be taught the more solemn and important truth, that the instability of governments has not resulted from anything inherent in the nature of human institutions to flourish and decay, like the vegetable kingdom, but from the fact that all, with the exception of the American constitution, have been the result of chance, vice, and rapacity, instead of being fashioned by reflection, and based upon the solid grounds of private integrity and public morals. The principles of virtue and justice are unchangeable and indestructible, and the government which shall be reared upon the one, and administered upon the other, cannot fail to be an eternal bulwark to the rights of man."

The foundation of government upon a written compact between the people and their rulers was a wise invention, but it was obvious, he said, that the advantages of such a system must rest in the observance of the compact both by individuals and the community at large. It was the first duty of a patriot to cherish and respect the constitution of his country, nor could there be a more dangerous enemy to liberty than the popular chief who should discard its authority, under the hollow pretext that he was acting for the good of the people. No reasons of state policy, or pretended exigencies, could justify its violation.

In his first annual message to Congress, President Lamar remarked, in reference to foreign relations, that to Great Britain the independence of Texas could not be an indifferent event.

"The advancement of her great commercial and manufac-

turing interests" was "too deeply identified with their future prosperity as a nation, to permit them to believe that she could view their present position with other than favourable regard. To France, also, it presented inducements which could not fail to elicit that liberality which had heretofore characterized her national councils. With Mexico, their position was unchanged. She still seemed to cherish the illusory hope of conquest, without adopting any means for its realization.

"A final abandonment of such hopes, or a more vigorous prosecution of the measures which would at once determine their worth, would be more consonant to true glory and wisdom than this attitude of supine and sullen hostility. It may become the duty and interest of Texas to reduce the question of her right to independence, to a more summary adjustment than our adversary seems inclined to give it. While we would meet with alacrity the first indication of a desire for a just and honourable peace, we should compel a more active prosecution of the war. If peace can be obtained only by the sword, let the sword do its work."

If they desired to establish a republican government upon a broad and permanent basis, it would become their duty to adopt a comprehensive and well-regulated system of mental and moral culture.

"Education is a subject in which every citizen, and especially every parent, feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited; for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all, that cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security which freemen desire. The

influence of Education in the moral world is like light in the physical; rendering luminous what before was obscure. It opens a wide field for the exercise and improvement of all the faculties of man, and imparts vigour and clearness to those important truths in the science of government, as well as of morals, which would otherwise be lost in the darkness of ignorance. Without its aid, how perilous and insufficient would be the deliberations of a government like ours! How ignoble and useless its legislation for all the purposes of happiness! How fragile and insecure its liberties! War would be conducted without the science necessary to insure success, and its bitterness and calamities would be unrelieved by the ameliorating circumstances which the improved condition of man has imparted to it; and peace would be joyless, because its train would be unattended by that civilisation and refinement which can alone give zest to social and domestic enjoyments.—And how shall we protect our rights if we do not comprehend them? And can we comprehend them unless we acquire a knowledge of the past and present condition of things, and practise the habit of enlightened reflection? Cultivation is as necessary to the supply of rich intellectual and moral fruits, as are the labours of the husbandman to bring forth the valuable productions of the earth. But it would be superfluous to offer to this Honourable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured that it will, in that liberal spirit of improvement which pervades the social world, lose not the present auspicious opportunity to provide for literary institutions, with a munificence commensurate with our future destinies."

He recommended measures for placing the administration of justice on a fixed and intelligible basis. The introduction of Mexican laws had left the great body of

the people in ignorance of the principles on which the decisions of the courts rested.

"It would be a task of extreme difficulty for the most learned in the science even to enumerate the various Mexican authorities now in force in this government. Most of these authorities have never yet been imported into the country, and, with a few exceptions, they are written in a foreign language unknown to our people, and to a large majority of the profession, as well as to a majority of the legal tribunals appointed by Congress to interpret and administer them. Nor is there a reasonable hope that at an early period we can be relieved from this painful perplexity; for it would be entirely impracticable for the government to procure at this time the translation, publication, and general distribution of these authorities.—And until this is done, or the system changed, we shall be doomed to the painful necessity of having the titles to our property tried, and all our contracts interpreted, by laws unknown to our courts, and unknown to the community. But while the present situation of Texas in this particular must be a source of deep regret to her freinds, they can nevertheless console themselves by the reflection that the constitution of the country has provided a salutary remedy, by which she may be extricated from the difficulty. Congress is required by that sacred instrument, at a period as early as practicable, to introduce, by statute, the common law of England, with such modifications as the circumstances of the country may, in their judgment, require. The period here contemplated by the constitution, in the opinion of the executive, has now arrived."

In making the proposed alteration, he suggested the propriety of formally adopting a few of the general statutes of some State of the Union, of "established legal

reputation, and with domestic institutions similar to their own."

He had not been informed of the origin and character of the disturbances in Eastern Texas; but he maintained that the Indians, whether native or intrusive, had no just cause of complaint. The emigrant tribes had no legal or equitable claim to any portion of the territory: they came as intruders, were positively forbidden to make any permanent abidance, and had continued against the public wish, and at the sacrifice of public tranquillity. The offer made to bordering Indians in the colonization law of Coahuila and Texas carried with it precedent conditions, which had in no instance been complied with by any of the tribes. To the Mexican authorities of that State they were objects of disquietude and terror, and if they, in any instance, promised lands to their chiefs, they were either stimulated by fear, or induced by a design to array the tomahawk and scalping-knife against the Anglo-Americans of Texas, upon whom such promises (if ever made) imposed no moral obligations. With reference to the pledge of the Consultation in 1835, and the consequent treaty, the latter had never been ratified by a competent authority, and, if it had, still there was a reciprocity of obligation to which the Indians had not adhered by rendering allegiance to the Republic.

With respect to Mexico—its government, occupied by internal disturbances, or perils from abroad, had been restrained from renewing any serious attempt upon their liberties; but the western frontier had been disquieted by small parties of Mexican brigands, whose object was to plunder and destroy. Several Indian tribes,

also, waged a petty, but, in some instances, disastrous warfare upon the neglected border settlements. His solicitude for due protection to the frontier had partially overruled his habitual repugnance to standing armies. In the disturbed state of their foreign and Indian relations, the proper security of the country at large, especially the peace and safety of the border settlements, seemed to require the organization of a regular, permanent, and effective force. The navy, likewise, required to be re-established on a respectable footing, and the state of the finances demanded early attention.

"In a few years, when agricultural exports shall exceed in value all that the most sumptuous extravagance can desire from abroad, and our unexplored minerals shall be in process of extraction, the people of Texas will find no difficulty in rendering ample means of support to their government, and protection to themselves. But at present, those important ends are not to be accomplished by direct contribution, without some painful exertions and sacrifices of personal convenience. To levy burdesome taxes on a people, many of whose farms and dwellings have been recently abandoned, and made desolate by an invading enemy, and who are still labouring under the embarrassments incident to a new settlement, and who are yet struggling for political existence, has an aspect of severity and injustice, and ought by all possible means to be avoided. The only practical mode of doing this, is to anticipate the future abundant resources of the country, and to devolve upon our posterity a portion of the burdens to which the perfecting our independence and theirs has subjected, and is still subjecting us. The equity of this recourse to posterity will not rightfully be disputed by them, and cannot be controverted by us.

The practicability of negotiating a loan adequate to the wants of the country, seems to be somewhat problematical. But I do not despair of being able to effect it, if the Congress will make satisfactory provision for its ultimate redemption, and the prompt payment of the interest that may accrue upon it. That Texas can render a full, and, to all human prescience, a certain and indestructible guarantee for any pecuniary liabilities which she would incur, there can be no doubt in the minds of those who are familiar with her condition and her inherent resources. But foreign capitalists are not presumed to be intimately acquainted with these things, and hence will result the necessity of presenting to them some more than ordinary inducements, before we can reasonably expect to acquire their confidence and credit."

Although he (President Lamar) was decidedly opposed to onerous taxation, yet the necessities of an infant State forbade abatement of the existing imposts. The necessity for providing for frontier defence called for, if not an augmentative, at least a more equal and uniform assessment of the land-tax. Under the operation of the existing law, and in the present inchoate condition of the major part of the land titles, but a very small portion of the appropriated land was liable to taxation. This obvious injustice had resulted from the delay deemed advisable with regard to the issue of patents to claimants of "head-rights," or to persons entitled to bounty lands. The removal of the cause lay within the province of direct legislative action. To issue patents in all cases (and it would be impossible for the executive to discriminate) without inquiring into the many frauds which were alleged to have been practised before the Board of Land Commissioners,

seemed to be fraught with objections, and to withhold deeds from those justly entitled to them was plainly inconsistent with the frankness which Government should always manifest to its citizens. The fact that the great object of taxes being to sustain the Government in its useful and necessary action, would suggest to the wisdom of Congress the importance of adopting one plain and uniform system.

He had approached the important subject of a Tariff with becoming caution, and had bestowed upon it that reflection to which it was entitled. For the present, he recommended the continuance of the Tariff laws, with such alterations as experience might suggest.

"The decided bias of my mind is for the total abolition of all duties on imports, not only because it would comport with that freedom of commerce so closely connected with the fundamental rights of man, but because it would be peculiarly adapted to the future condition and policy of Texas. While I am aware, that by indirect taxation in the nature of a Tariff, the people bear the burden as consumers without scarcely preceiving it, and are exonerated from that general surveillance and odious inquisition with which the visits of assessors and collectors of direct taxation are accompanied; and while I am equally aware of the derogatory and dangerous influence which an ambitious executive may be able to bring to bear upon the people through the swarms of dependent officers, continually residing and acting among them; yet still I look forward to a period (I hope near at hand) when we shall be able, and will find it to be our interest, to invite the commerce of the world to our free and open ports. This, however, from considerations of a high public policy, may not be done until our national independ-

ence shall be generally acknowledged. The radical policy of Texas is anti-tariff, because its commercial commodities are of the raw material, which fears no impost rivalry, and paying no contributions to manufactories; yet the immediate adoption of free trade as is proposed by many of our citizens and statesmen, would in the present situation of our country exhibit an apparent recklessness and imprudence, which could not fail to affect our credit abroad; for it should never be forgotten, that fickleness and instability in a young government like ours, are as destructive to its character as a vitiated currency is to its wealth, or oppression to its peace. In addition to this, it should be borne in mind, that the revenue collected through custom-houses has been, and is still, our chief dependence for sustaining the credit of our public issues, which must most certainly sink into a disastrous and degrading depreciation with the repeal of the imposts. Indeed, if we abolish the Tariff in the present impoverished condition of the treasury, the government will be left destitute of the means of sustaining itself during the interval of collecting the necessary fund by direct taxation, or raising it on foreign loans, which, in either case, under the most favourable circumstances, will require several months to effect; and this destitution of means will occur at a moment when the energies of the government are demanded for frontier defence."

No subject in the whole range of political economy carried with it a more universal and intense interest than that of the circulating medium, and none was more worthy of the profound attention of Congress They had before them the examples of other States:—

"The Exchequer Bills of England, the Assignats of France, and the Treasury Bills of the United States, furnish

memorable examples of the inability of the most powerful and opulent governments to establish a good practical circulating medium on their own credit alone, without the facilities of prompt redemption. The precious metals are the only uniform standard of value, and no paper representative can acquire general confidence, and answer the legitimate purposes of trade, unless it be convertible at the pleasure of the holder into gold or silver."

The operation of private banks in the United States had shown their inefficiency for good:—

"To my mind, the objections to private incorporated banks far transcend in practical importance any useful purposes they may have, or are likely to fulfil. In respect to them, our experience is large, full, and direct. That many of them have been extensively beneficial is without doubt; that in general they have been productive of more evil than good, and have exerted a pernicious influence on society, is no less clear. The examples furnished in the United States are within the recollection of every citizen, and they address their monitory voice with peculiar force to our judgment. There, among a kindred people, incorporated banking companies have been created, endowed, and cherished in every variety of form and modification of structure. In the early stages of their operations, the system was warmly commended to the people at large by the additional capital which it seemed to create, and the consequent impetus it gave to all kinds of business. Industry and enterprise in all the vocations of life derived new vigor and encouragement from the abundant facilities which the free circulation and easy access of a professedly redeemable bank paper presented to them, and the nation sprang forward in prosperity amidst the general jubilee of individual excitation."

With the multiplication of banks, their intrinsic worthlessness became manifested, and it was soon discovered that private incorporations were liable to be influenced by the vile artifices of corrupt speculators, and were altogether inadequate to supply the wants of the community. Their credit being local, the benefits they conferred were necessarily limited, and, to correct these imperfections by increasing the number of private banks, would be extending the evils incident to such institutions, without attaining the object in view; for, in the same ratio that the banks increased in number, the par circulation of their bills diminished in distance, and the difficulties of commercial exchanges became the more burdensome and vexatious. The great *desideratum* in domestic finances was a sound and uniform currency, which should pervade the whole body politic, even as in physics vital blood pervaded the human system.

"At the commencement of the last war between the United States and Great Britian, a National Bank was established, and its powerful efficacy was soon manifested in the restoration of a sound and redeemable paper currency, and the revival of general confidence. The difficulties that had involved the whole commercial population, and those dependent upon it, in frequent and distressing bankruptcy, were rapidly dissipated and forgotten, and the country was blessed to an extraordinary extent with a safe and convenient medium of exchange between the remotest parts of its territory, and even between them and the leading commercial nations of the world. New hopes and activity were infused into every department of business—the farmer, the mechanic, the merchant, and those of the learned professions, all experienced its renovating and salutary influence. And the government itself not only par-

ticipated in these aggregate benefits, but found in the bank a fiscal agent adequate to all its financial exigencies. The minor and local banks were brought under a wholesome restraint, and compelled to confine their issues within their appropriate spheres. Such of them as were insolvent from adversity or mismanagement withdrew from the hopeless competition, and those which had originated in fraud and corrupt speculation were detected, exposed, and in most cases arrested in their course of iniquity and imposture. The temporary embarrassments which resulted from the contraction, the withdrawal, or the insolvent dissolution of the local banks were speedily repaired, and the partial derangements in business were restored and succeeded by a wholesome and universal circulation of a uniform, sound, and easily convertible currency, which was passed and received with unhesitating confidence."

He felt it his duty to recommend a strictly National Bank, which should be the exclusive property, and under the exclusive control, of the Republic. Such a bank, incorporated for a suitable term of years—founded on a suitable hypothecation of a competent portion of the public domain, which should be appropriated to that purpose—with the additional guarantee of the plighted faith of the nation, and an adequate deposit of specie in its vaults—would, it was confidently believed, confer many eminent and continued blessings upon the country.

"It is, indeed, true, that real estate is not sufficiently commutable or transitive to answer the ordinary and daily purposes of commerce and of exchange. These can be accomplished only by specie itself, or by that active and undoubted credit, of which a known and sufficient deposit of the metals, or something equivalent to them, is the proper basis. It is

believed the proposed bank would be amply furnished with that equivalent—and to all necessary extent, with the actual metallic deposit itself. It is evident that a bank so constituted, the exclusive property of a stable and popular government, and combining the three guarantees of land, specie, and the public faith, would not require to retain in its vaults as large a proportion of dormant capital as is acknowledged to be indispensable to the safe conduct of a private institution. An ordinary corporate bank renders no other security for the redemption of its issues than the actual corporate capital which is supposed to consist in a given deposit of the precious metals, and the resulting credits. And these, aided by the responsibility of its directors and executive officers, constitute its only claim to public confidence.

"In the contemplated bank, the merchant who, by nature of his business, did not need long discounts, would not be called upon to hypothecate real estate—but from the planter, who had fewer risks and required longer accommodation, security by mortgage might properly be required. The bank should be made the depository of all public monies, derived from whatever source; and none should be drawn from it except by an order from the Treasury. The directors of the institution should be chosen from the best qualified men of the country, without reference to their particular callings or political opinions: the whole number of directors to be divided into three sections—one section to retire every year, without eligibility to re-election for three years after the expiration of their term of service.

"In making these appointments, my own impression is, that the directors who are to regulate and control the affairs of an institution, thus established upon the funds and credit of the government, should be elected by Congress upon the joint ballot of the two houses, for the reasons, that being

selected from various portions of the Republic, the qualifications and integrity of candidates would be better known to the appointing power, and their official responsibility to the people would be augmented by receiving office from their immediate representatives. But the appointment of the two principal officers in the direct management and operations of the bank (the president and cashier), upon whose unbending honesty and business talents the safety of the institution must greatly depend, should be thrown upon as few persons as possible. When the election of such officers is made by joint ballot from candidates who may present themselves to the representatives of the people, it is needless to disguise the fact, that many influences emanating from the good, as well as the more selfish feelings of the human heart, might direct them in their choice, to the injury, if not utter ruin, of the institution for the benefit of which they were acting. Besides, we all know that individual responsibility is lessened in proportion to the numbers who are brought to act on a given subject; and in making appointments so vitally important to the safety of an institution in which the whole country will have so deep an interest, it may be well to throw upon the individuals in whom the power of appointment is made to vest, a responsibility in some degree commensurate with the importance of the objects to be secured. It would perhaps be equally dangerous to entrust the power of appointment to a single person; for, being single, he would be more obnoxious to corruption. There is then but one alternative between the two modes—and that is a middle as well as safe ground, which will confer the right of nomination upon the President, and leave the power of appointment to the Senate. The jealous scrutiny of that body will at all times operate as a powerful and sufficient check upon the abuse of executive power. The subordinate officers may be chosen by the board of directors,

or in any other manner which after experience may dictate. It would be superfluous to remark, that a supervisory power of investigating the affairs and controlling the bank, should be retained by the National Legislature. The immediate representatives of the people, who are the actual and beneficiary stockholders, should be enabled to restrain all imprudent excesses or abuses into which the board of directors might be betrayed, and maintain a vigilant and predominant supervision of all their acts; and especially control the whole circulating medium of the country.

"Such a power can be nowhere so safely lodged as in the hands of a free people.

He had spoken of this subject at some length, because he felt strongly impressed with its importance. The control of the circulating medium of a country was, in his opinion, as necessary to its salutary administration as that of any other department of its interests. If banking powers were valuable in promoting an equal and safe circulation, it obviously belonged to the government to direct and superintend the distribution and exercise of those powers. It was a portion, and a peculiarly interesting one, of the sovereign authority; and to surrender it into the hands of a few private, and, in a political sense, irresponsible individuals, would be as repugnant to the true spirit of republican institutions, as to subject the management of the war or navy departments to such partial and unpledged hands.

"If a few men may become bankers, and throw their equivocal and precarious paper currency upon the community, why not let every man be a banker, and abandon your circulating medium to the illimitable cupidity of private specula-

tion? The planter, the mechanic, and the labourer, are as much entitled to the immunities and privileges of the government as the speculator or the money-dealer. Let all trades be free. Let all rights be equal. The constitution has so ordained it, and so let us carry it into practice. The fostering hand of legislation should be extended to all classes of society. Each individual of a patriotic people cherishes, supports, and defends the government; and none have a peculiar and exclusive claim to rewards or privileges in the exercise of their industry. If banking be profitable, let that profit enure to the Republic. If the people must pay an interest for the use of money, to facilitate their legitimate operations, let them bestow their sacrifices, not upon the mercenary, but where it will promote the public welfare, and in the process of time revert to their own advantage.

"I therefore solemnly adjure the honourable Congress that they will withhold their sanction from all applications for banking privileges; and in nowise permit any private interests to be commingled in the great national institution to which I have invited their consideration."

By an Act which received the Presidential sanction on the 4th of January, it was provided—

"That every person who had emigrated to the Republic since the 1st day of October, 1837, or who might emigrate by the 1st day of January, 1840, being a free white person and the head of a family, actually residing within the government with his or her family, should be entitled to a conditional grant of 640 acres of land, by paying the fees of office and surveying. The conditions of the said grant to be, that both grantee, and his or her famliy, should remain and reside permanently within the Republic, and do and perform any and all duties required of other citizens, for the term of three

years, after which time he or his legal representatives should receive from the government an unconditional deed for said grant: Provided, That no sale of said claim to land by the individual entitled to the same should be valid in law and binding upon the person selling the same, until an unconditional deed should be obtained by the grantee for said land; and in no case whatever should a grant of that description be made, unless it were satisfactorily proven that all the conditions and provisions of the law had been complied with. And all single free white male persons, of the age of 17 and upwards, who had emigrated to the Republic since the 1st day of October, 1837, or who might emigrate by the 1st day of January, 1840, should be entitled to 320 acres of land."

The benefits of this law were extended to all permanent resident citizens of Texas, who had arrived, or might arrive, at the specified age, within the period mentioned. It was also provided that all officers and soliders engaged in the service of Texas previous to the 1st of March, 1837, whose families were then in the country, or might arrive previous to the 1st day of January, 1840, should be entitled to the same quantity of land that they would have received had their families accompanied them to Texas. The gratuitous grant of government lands to emigrants was to cease on the 1st of January, 1840.

The irruptions and outrages of the Indians, both on the north-eastern and north-western frontier of Texas, were frequent during the winter and spring of 1839. Hostilities had also commenced between the Comanches and the united tribes of Lipans and Tonkewas, on the Upper Colorado. In January, a company of 15 Texans from Bexar visited the Cañon de Uvalde, for the purpose

of locating land claims. They entered the narrow pass without interruption; but, when they reached the middle of the valley, a large party of Comanches suddenly appeared at the upper extremity, and made preparations to surround them. Assuming a posture of defence, the savages did not venture to attack them; and at night they commenced their return to Bexar. Arrived at the lower entrance of the valley, they discovered a small party of Indians stationed at the pass. This party they routed, killing three or four, and, resuming their march, reached Bexar in safety. Another conflict took place in January, near the falls of the Brazos, in which 15 Texans were killed, and many Indians. On the 28th of February, President Lamar issued a proclamation, calling for the enrolment of 300 volunteers, to serve six months, in aid of the force then in arms for the repression of frontier inroads.

The President having learned that the Cherokees had committed many predatory acts, which they had cunningly laid to the charge of the "wild Indians," ordered Major Waters, with two companies of Six Months' Volunteers, to occupy the "saline" of the Neches. Bowles, the Cherokee chief, informed this officer that any attempt to carry his orders into effect would be productive of immediate hostilities. In consequence of this intimation, added to previous delinquencies, the President informed the Cherokees that they must prepare to withdraw from Texas early in autumn. They were, at the same time, assured that they would be paid for all their improvements, and the property which they might be unable to remove. In this decision the chiefs seemingly acquiesced—admitting its

justice, and expressing themselves willing to return to the United States on the terms offered.

But, under this show of resignation, they were secretly providing for an outbreak. Cordova, a revolted Mexican leader at Nacogdoches, and his second in command, Manuel Flores, started with a party of Indians and Mexicans for arms and ammunition to Matamoros. Some rangers near Austin, on the Colorado, having discovered their trail, they were pursued by a party of volunteers under Colonel Burleson, attacked, and nearly all destroyed. Those who escaped proceeded to Matamoros; but, on their return with a large quantity of ammunition, the Colorado rangers again detected their footsteps, and they were pursued, overtaken, and defeated, with the loss of their leader and all the stores and baggage. The correspondence between Bowles and Flores being taken, exposed the double-dealing of the Cherokees. The instructions to Bowles and his confederate chiefs were to stimulate friendship to the Texans, while, through their emissaries, they retarded settlement and prevented improvement by ravaging the frontier. When the Mexicans had adjusted their difficulties with France, efficient aid was to be afforded for the prosecution of the common object.

On receipt of the intelligence contained in this correspondence, President Lamar determined to grant no respite to the Cherokees, but remove them forthwith beyond the border. Commissioners were accordingly appointed to negotiate for an immediate removal; and, as difficulties were anticipated, troops were ordered to move towards the Indian district. After making the customary professions of satisfaction, Bowles demon-

strated an intention to resist; on notification of which, the Secretary of War (General Sidney Johnston) ordered Colonel Douglas to advance upon him. Douglas came up with the Indians on the evening of the 15th of July, and defeated them with considerable loss. They retreated, were pursued and overtaken on the 16th, and again discomfited and dispersed, Bowles, their leader and main dependence, being numbered among the slain. In these conflicts, the Indians, who had collected all their strength, including volunteers from the territory of the United States, had about fifty-five killed and eighty severely wounded. The Texan loss was five killed and twenty-five wounded. In twenty days, the north-eastern frontier of Texas was cleared of 4,000 savages, who had disturbed its tranquillity for years. Of these, some crossed the Red River and joined their brethren in the Indian appropriations of the United States; others dispersed in small parties, in places remote from the settlements. No farther annoyance was apprehended from them, and, for the protection of the northern and western frontier, the government decided on the erection of a chain of block-houses, which, with other arrangements contemplated by the War Department, promised to secure to the outlying emigrants the unmolested occupation of their lands.

The disposal of the confiscated lands of the Cherokees became afterwards an exciting subject of controversy in Congress, in consequence of the desire of many to locate their head rights and certificates on these lands, and the wish of the government to appropriate them to the uses of the State. If the Cherokees, before their expulsion under a charge of rebellious practices, had a

legal title to their lands, then all locations made prior to their confiscation by Congress were void. If, on the contrary, the Indians had no such title, the lands had always been public property; in which case, the location of their claims by individuals was legal. The Cherckee Land Bill was passed by the Congress in 1840; the words "reserved for and occupied" being substituted in the Senate for the words "owned and occupied" by the Cherokees.

On the 21st of February, President Lamar issued a Proclamation, for the purpose of encouraging a disposition to open a trading intercourse with Texas manifested by the Mexicans on the western bank of the Rio Grande. Regulations were prescribed for the admission by passport of peaceable Mexican traders, and the acting authorities of the Mexican States bordering on the Rio Grande were advised that, if they permitted "merchandise or other things, carried by citizens of Texas into those States for trade and commerce," to pass free of duties or exactions of any kind, the same liberality should be extended to Mexican traders in Texas. If, on the other hand, duties were imposed on the goods of Texan citizens, like duties would be exacted from Mexican traders in Texas. The government of the Republic, sincerely desirous of establishing amicable relations, beneficial to both, with Mexico, followed up its pacific overtures by despatching Colonel Bee, in March 1839, as a diplomatic agent to negotiate a treaty. The answer which the agent received, when he announced his mission to the Mexican authorities, while on board ship off Vera Cruz, was neither complimentary

nor encouraging, as appears from the following extract from the *Vera Cruz Censor*:—

"We do not know which most to admire, the audacity of those brigands in sending us their pedler, (*marchante*) to ask us to allow them the quiet and pacific possession of their robbery, or the answer the Commandant General gave to the individual who apprised him of the arrival of this Quixotic ambassador. From the tenor of the reply, it appears that if he lands, he will be accommodated with lodgings at the prison. Nevertheless, the Supreme Government will designate what definitively ought to be done. The Commandant says he is not aware of the existence of a nation called the Republic of Texas, but only of a horde of adventurers, in rebellion against the laws of the Government of the Republic."

About the latter end of February, the British barque Ambassador arrived at Galveston from Liverpool, and, as the forerunner of a direct trade between England and Texas, her appearance filled the hearts of the Galvestonians with joy. They had ample cause for rejoicing at the prospect opened to them. For the privilege of using British manufactures they paid a heavy tribute. These manufactures went first to New York, thence to New Orleans, and thence to Texas. Besides the duties payable in Texas the consumers paid duties to the American Government, together with weighty charges arising out of the cost of transhipment, dealers' profits, and the depreciation of the currency. It is truly astonishing how the baby Republic, overlaid with so many incumbrances, contrived to breathe and struggle on.

In the spring of this year (1839) M. de Saligny, Secretary of the French Legation at Washington, visited

Texas, to examine and report to his government upon the situation and resources of the country. M. de Saligny having the sagacity to perceive the true position of the Republic, and the good sense to make allowance for deficiencies occasioned by novel and trying circumstances, reported favourably of the people and their prospects. On the 13th of May, Admiral Baudin, with part of the French blockading squadron off the coast of Mexico, touched at Galveston. On their nearing the island, the commander of the Texan war-steamer Zavala, sent his lieutenant on board the Admiral's flagship, to ascertain in what manner the Zavala's salute would be returned. The reply was that they would return gun for gun. A salute of twenty-two guns was immediately fired, and promptly returned. An address of welcome, accompanied by the freedom of the city, was presented by the Mayor and Aldermen of Galveston to Admiral Baudin, who, in acknowledging the compliment, expressed himself gratified to find that what he had done in Mexico had proved beneficial to so just a cause as that of the Texan people. He hoped it would prove beneficial to the several nations who, either as friends or foes, had to deal with Mexico. Nothing could be more agreeable to his feelings, he said, than to be considered one of a community like theirs, whose industry and energy he so much admired. He assured them that he would greatly prefer being the humblest member of a well-regulated and thriving community like that of Galveston, than to move in the sphere of wealth and power in a corrupt and decaying society.

General Hamilton, of South Carolina, had continued

to aid Texas in her difficulties, and effected a negotiation with an eminent English banker, by which the basis was laid of the naval power of the Republic, by the purchase of a war-steamer at New York. He had sacrificed his personal pursuits and his domestic enjoyments, and had advanced his money freely for Texas, because he believed that the regenerating principles of free trade and civilisation were at issue in her fortunes, and was satisfied that the whole world would gain by placing a fertile and beautiful territory under the sway of the British race, instead of its remaining a valueless waste, of which Mexico was the nominal, and the marauding savage the real, possessor. General Hamilton became associated as a Commissioner with Mr. Albert T. Burnley, for negotiating a loan of 5,000,000 of dollars for the Republic, and was allowed, by a special resolution of Congress, to become a citizen of Texas. In August, 1839, he arrived in England, and, proceeding to Paris, co-operated zealously with General Henderson in his endeavours to obtain the recognition of Texan independence by France. These endeavours were successful; and on the 25th of September, 1839, a treaty of amity, navigation, and commerce was signed by General James Pinckney Henderson, Plenipotentiary, on the part of the Republic of Texas, and Marshal Soult, Duke of Dalmatia, President of the Council, on the part of France. The Marshal, on affixing his signature to the treaty, said he was proud to have been the European god-father of the Republic. This treaty was ratified in Texas on the 18th of January, 1840, in the city of Austin, which had been selected as the permanent seat of Government,

and to which it had been removed from Houston in the autumn of 1839.

The Annual Session of the Texan Congress commenced in November, on the 12th of which month the President's Message was presented. It stated that the foreign relations of Texas were daily assuming a more pleasing aspect—that the conflict of parties in Mexico had prevented the reception of their diplomatic agent, who was refused permission to proceed from Vera Cruz to the capital, and that the Government of the United States had evinced a disposition to interpose as a friendly mediator, "so far as interposition was proper." After adverting to their Indian relations, and justifying the expulsion of the Cherokees, he touched upon the difficulty of bringing the militia into an effective state by proper organization and discipline. The high price of labour had also impeded the establishment of a regular force, but the nucleus of an army had been formed, and, "through the activity of a meritorious officer," the recruiting service had been conducted with a success that inspired the hope, that a sufficient force would be obtained to enable the government, early in the spring, to carry out the law for establishing a line of military posts upon the frontier. There was, he said, much cause for congratulation in the Report of the Secretary of the Navy. When the contracts for increasing the number of their vessels were completed (comprising a brig, two small barques, and three schooners, then in process of construction at Baltimore), they would possess a force fully adequate to all exigencies of maritime defence, and capable of giving them the command of the Gulf, in the event of an active prosecution of the

war against Mexico. Having noticed the condition of the finances, the post-office, the board for auditing government claims, and the land office, he suggested that an additional bureau should be created, to be called the "Home Department," by which the "Deparment of State" would be relieved from the pressure of internal administration, and left to attend exclusively to foreign relations. The chief consideration which had influenced him in proposing the additional department, was the regulation and supervision of a system of Education suited to the condition and policy of the country.

"Congress at its last session, in accordance with a wise, liberal, and enlightened policy, made large appropriations of land for the endowment of colleges, academies, and primary schools. But the appropriations, though liberal, will require the utmost care in their management and application, to make them equal to the important work which is to be achieved. In their present condition, they can be regarded only as the foundation of a fund, which, by judicious measures, and well-digested plans of operation, may be husbanded and increased until it shall be amply sufficient for all the purposes intended; but, without such measures, it may be frittered away in useless experiments, or swallowed up in the prosecution of visionary schemes, which can result in no permanent good to the country. It is, therefore, my deliberate opinion that if no other advantage was expected to be derived from the establishment of a bureau of education, than such as would result from a judicious management of its funds, that advantage alone would be sufficient to justify the expenses required for the support of such a bureau."

There were other objects which would claim the attention of the head of this department, besides the aug-

mentation and preservation of the funds—namely, the judicious and effective application of these funds to the purposes intended, under the guidance of such enlarged and practical legislation as Congress might devise and adopt. To make an appropriation for Education was one thing, but it was quite another to attend to the disbursement of that appropriation, and to see that the blessings intended to be conferred should be faithfully imparted. The one was as much the duty of government as the other, and Congress was "no less bound to attend to the dissemination of knowledge than to the physical defence of the country." There was another view of the subject, he observed, which greatly enhanced its importance—the national complexion which education assumed when under the guidance of government.

"I would by no means limit individual enterprise, but, on the contrary, would second and sustain all its efforts in a cause so laudable as that of mental improvement. But it is not the diversified and ever-varying systems of private instruction that are to establish the moral and political character of a people. This must be the work of those higher and more permanent institutions which shall be founded by the nation and directed by public wisdom.—Individual labours may accomplish much in the dissemination of classical and scientific lore; but this will be insufficient of itself to give vigour or longevity to a free government. It is true that liberty cannot exist among a people unblessed with the rudiments of learning; but it is equally true, as both ancient and contemporary history attests, that the greatest tyranny may prevail in a land where science and literature and all the arts are carried to the highest perfection. The reason of this is obvious. It results from the *mode* of education.

The institutions fostered and controlled by despotic governments are so organised and conducted as to send forth their floods of light on all subjects, except the ones upon which the liberties of the people are mainly dependent. These are consigned to undisturbed repose. Darkness and thick clouds rest upon them. Thus may a people become profound in all the sciences, save the essential science of free government, in relation to which they may remain as ignorant of its principles as if no ray of learning had ever fallen upon their minds. They have academic attainments, but no useful intelligence; they can call the stars by their names, but know nothing of their own political rights, nor the practical mode of securing them. And if despotic governments can perpetuate their illegitimate power by a *system of National Education*, shall not a representative Republic avail itself of the same advantage to preserve the sacred principles of free institutions? I would answer—yes. I would say to the government, 'Open wide the doors of knowledge, but keep the key to the temple.' The great universities continually pursuing the same course of discipline towards each successive generation, will make the people homogeneous and united, and, by blending moral and political knowledge with classical instruction, the public mind will become so moulded to the institutions of the country, that, upon all the great and leading principles of free government, the nation will have but one heart and one sentiment."

While Texas was yearly advancing in population and industrial resources, Mexico remained the victim of military agitation and misrule. In the month of July, 1840, the Federalist party, headed by General Urrea and Gomez Farias, excited an insurrection in the city of Mexico, seized President Bustamente, and, after a con-

flict of twelve days, in which many citizens were killed and much property destroyed, a convention was concluded, by which the lives, property, previous rank, and employments were guaranteed to the Federalists, and hopes held out to them of another "Reform of the Constitution." Yucatan declared for Federalism, and severed itself from the General Government, and to the north and south other provinces gave evidence of a disposition to emulate the example. An attempt was made to form a Northern Mexican Republic. The State of Chihuahua, forbidden, by the Central Constitution of 1836, to raise troops or levy imposts, was obliged to violate its conditions, to protect itself from the Indians, who ravaged the frontier west of the Rio Grande, from the city of Chihuahua to Saltillo. Mexican papers of 1840 announced the meeting of a Junta in Chihuahua, the members of which had subscribed for the maintenance of an armed force of 200 men, who were to pursue the Indians, and destroy them "in every possible way." Of this force 150 were to be North American riflemen, and 50 Mexicans; and the command was to be entrusted to James Kirker, a German settler at the Paso del Norte, on the Rio Grande. Kirker had contracted to furnish men, ammunition, and provisions; and the Mexican journals complained of the intended introduction of North American riflemen, under the command of a foreigner, into the Republic. As regards its relations to Texas, Mexico abated its pretensions so far as to receive a Texan agent (Mr. Treat, formerly Mexican Consul at New Work), and permit him to submit the basis of a treaty.

The time had now arrived when the acknowledge-

ment of Texas by England could not be much longer delayed, without incurring the danger of alienating the Republic from this country, and leading her to grant exclusive advantages to some more friendly power. General Hamilton, having obtained the recognition of Texan independence from Holland and Belgium, renewed his application to the British government in the autumn of 1840. Lord Palmerston—who had avoided, on the one hand, affording, by undue precipitancy, pretext for offence on the part of Mexico, and had, on the other, shown respectful consideration for the position and claims of Texas—agreed to arrange the terms of a treaty, or treaties, with General Hamilton. A commercial convention was framed on the basis of perfect reciprocity; and conditional stipulations were made for the assumption by Texas of one million sterling of the debt due by Mexico to British bondholders. The treaties finally agreed upon were signed at the Foreign Office on the evening of Monday, 16th November, 1840, by Lord Palmerston and General Hamilton, and were ratified by the Texan Government in February, 1841.

The recognition of Texas in the face of prejudice and clamour, was an act of patriotic firmness for which the British Minister is entitled to the thanks of all Englishmen who hold the interests of their country superior to the obligations and purposes of party. For Texas it was an act of timely benefit—ensuring, as it did, the speedy establishment of peace with Mexico, and the opening of a lucrative commerce on her south-western frontier. It is creditable to the Conservative party that, neither in Parliament, nor through the press, have they

swelled the unreasoning outcry against the recognition of Texas—an outcry raised by persons who propose to supersede the department of Foreign Affairs by a sort of Jacobin conclave, and thus to control the external relations of the empire without subjecting themselves to the inconvenience of executive responsibility.

CHAPTER IV.

Government of Texas—Civil List—Post-office—Judicial System—Customs Regulations — Revenue — Tariff — Mexican Tariff—Texan Finances—Slavery—Population—Morals and Religion—Education—Army and Navy —Press and Public Amusements—Internal Improvements—Agriculture—Land and Colonization Laws since the Revolution—Towns and Corporations—Law and Medicine—Commercial Position of Texas.

THE first division of this work has exhibited the physical characteristics of Texas;—the origin and progress of the Republic have been detailed down to the period of the establishment of commercial relations between it and Great Britian. The institutions and policy of the country, with its general condition and prospects, remain to be noticed. For the sake of clearness, I shall arrange the several subjects of explanation under formal heads —beginning with the GOVERNMENT.

The Constitution of Texas resembles in its general features that of the United States—the main distinction between them being that Texas is an integral, and the United States a Federal Republic. In this respect the Texans deem themselves more advantageously situated than their neighbours, whose government is necessarily one of compromise between conflicting interests. The operation of these interests is seen in the Presidential elections, and the policy of the future administration may be easily determined by ascertaining the amount of support the succcessful candidate may have received in the several States, and the predominant interests in those States, in their relations to the Federal Government. There is another important particular in which

the Texan and American governments differ. The President of the United States is elected for four years, and is eligible to re-election; the President of Texas is elected for three years, and is not eligible to re-election until after the lapse of at least one Presidential term.

Congressional Committees.—In the commencement of the session, the Speaker in each branch of the Legislature appoints the following standing Committees, to consist of five members each:—

A committee on Foreign Relations.
A committee on Ways and Means.
A committee on Claims and Accounts.
A committee on the Post Office.
A committee on the Judiciary.
A committee on Public Lands.
A committee on Indian Affairs.
A committee on the State of the Republic.
A committee on County Boundaries.
A committee on Roads, Bridges, and Ferries.
A committee on Naval Affairs.
A committee on Military Affairs.

Civil List.—The following is the compensation allowed to public officers on the Civil List of Texas:—

President, with house furnished, ten thousand dollars.
Vice-President, three thousand dollars.
Secretary of State, three thousand five hundred dollars.
Secretary of Treasury, three thousand five hundred dollars.
Secretary of War, three thousand five hundred dollars.
Secretary of Navy, three thousand five hundred dollars.
Attorney-General, three thousand dollars.
Postmaster-General, two thousand dollars.
Commissioner-General of the Land Office, three thousand dollars.

Chief clerks of departments, one thousand five hundred dollars.

Treasurer, two thousand five hundred dollars.

Auditor, two thousand five hundred dollars.

Chief Justice, five thousand dollars.

Associate or District Judges, three thousand dollars.

Members of Congress, per diem, five dollars.

Speaker of the House of Representatives, per diem, seven dollars.

President, pro tem., of the Senate, while acting as such, per diem, seven dollars.

Milage for Members of Congress, for every twenty-five miles going and coming, five dollars.

Chief Clerks of both Houses, per diem, six dollars.

Foreign Ministers, four thousand five hundred dollars outfit; five thousand dollars salary per annum.

Consuls, paid by fees. No charge to be made for certificates of character and intentions.

Secretary of Legation, two thousand dollars.

Assistant Clerks, per diem, six dollars.

Reporter, per diem, eight dollars.

Sergeant-at-Arms, per diem, five dollars.

Translator for Congress, per diem, five dollars.

Door-keeper, per diem, five dollars.

The heads of departments to be furnished with offices, stationery, fuel, lights, &c., at the expense of government.

Congress appoints a Chaplain, but his salary, if any, is not specified.

No alien can be appointed to any public office, except a Consulate.

POST OFFICE.—This department is under the Superintendence of a Postmaster-General, as in the United States. The following list (for 1840) shows the num-

ber of Post-offices in the Republic, the names of the towns and counties, and the distance of each Post-office station from the seat of Government.

Names of P. O.	County.	Austin	Names of P. O.	County.	Austin
		Miles			Miles
Austin	Travis	——	Lowell	Gonzalez	82
Aransas	Refugio	155	Mustang Prairie	Houston	248
Bastrop	Bastrop	30	Mount Sterling	Nacogdoches	263
Beaumont	Jefferson	235	Montgomery	Montgomery	148
Big Creek	Fort Bend	170	Mount Pleasant	Bastrop	40
Bolivar	Brazoria	185	Matagorda	Matagorda	175
Brazoria	Brazoria	190	Mount Holland	Jefferson	264
Belgrade	Jasper	377	Myrtle Springs	Red River	456
Ballards	Red River	208	Montague	Fannin	993
Caney Crossings	Matagorda	220	Menard's Mills	Liberty	——
Cedar Creek	Washington	157	Myrtle Turf	Harris	153
Centre Hill	Austin	142	Mount Vernon	Montgomery	——
Crockett	Houston	185	New Cincinnati	Montgomery	215
Columbia	Brazoria	210	Nashville	Milam	85
Carolina	Montgomery	250	Nacogdoches	Nacogdoches	280
Coffee's Station	Fannin	672	Orozimbo	Brazoria	200
Comanche	Travis	13	Oak Grove	Washington	98
Clarkesville	Red River	490	Pattillo's	Jefferson	250
Cochran's Retreat	Jasper	215	Palo Gacho	St. Augustine	370
Columbus	Colorado	100	Peach Creek	Colorado	155
Colorado City	Fayette	70	Potter's Creek	Harrison	——
Dunn's	Robertson	107	Pine Island	Jefferson	275
Douglas	Nacogdoches	262	Plum Grove	Fayette	55
De Kalb	Red River	475	Preston	Matagorda	165
Egypt	Colorado	130	Primm's	Bastrop	56
Eperson's Ferry	Red River	410	Quintana	Brazoria	232
Fanthorp's	Montgomery	128	Quairo	Gonzalez	78
Fair Hill	Travis	15	Richardson's	Jasper	215
Franklin	Robertson	105	Richmond	Fort Bend	160
Franklin	Red River	550	Rutersville	Fayette	78
Fort Houston	Houston	230	Rusk	Montgomery	138
Fort Oldham	Washington	112	San Luis	Brazoria	200
Fort Bennett	Houston	200	Salem	Jasper	225
Fort English	Red River	600	Spilman's Island	Harris	215
Gaine's Ferry	Sabine	356	San Antonio	San Antonio	140
Groce's Retreat	Montgomery	138	Spring Hill	Shelby	——
Gonzalez	Gonzalez	57	Swartwout	Liberty	285
Gay Hill	Washington	107	Smithfield	Liberty	——
Galveston	Galveston	255	Spring Creek	Harris	153
Goliad	Goliad	230	Sabine City	Jefferson	335
Huntsville	Montgomery	229	San Augustine	San Augustine	360
Hodge's Bend	Red River	190	San Felipe	Austin	129
Hardman's	Nacogdoches	296	Slate Bank	Red River	——
Hibbetville	Liberty	——	Smithfield	Red River	390
Holme's	Jasper	195	Shelbyville	Shelby	390
Hamilton	Shelby	380	Sabine Town	Sabine	217
Houston	Harris	175	Shelton's	Red River	510
Hickory Grove	Bastrop	11	Seguin	Gonzales	67
Johnson's	Red River	285	Tenoxtitlan	Milam	103
Independence	Washington	98	Texana	Jackson	147
Jonesboro'	Red River	520	Tuscumbia	Harrison	——
Jasper	Jasper	185	Tellet's Prairie	Red River	530
Jones	Fayette	87	Velasco	Brazoria	232
La Baca	Jackson	137	Victoria	Victoria	107
Lamar	Refugio	150	Udolpho	Montgomery	183
La Grange	Red River	395	Wooton's	Nacogdoches	300
Lynchburg	Harris	205	Warsaw	Harrison	——
La Grange	Fayette	72	Washington	Washington	130
Liberty	Liberty	230	Ward's	Red River	500
Lexington	Fannin	648	Zavala	Jasper	202

Letters from Texas to Europe are forwarded through the United States, but hitherto European emigrants have had reason to complain of great irregularity in their transmission.

Unclaimed letters are periodically advertised in the newspapers, with the names of the parties to whom they are addressed.

National Arms, Seal, and Flag.—The arms of the Republic are a White Star of five points, on an azure field, encircled by an olive and live oak branches. The Great Seal bears this device, and the letters "Republic of Texas." The National Flag consists of a blue perpendicular stripe, of the width of one-third of the whole length of the flag, with a white star of five points in the centre, and two horizontal stripes of equal width of two-thirds the length of the flag. The upper, white; the lower, red. The National Standard is a golden star on an azure field.

Administration of Justice.—The common law of England, "so far as it is not inconsistent with the Constitution and the acts of the Congress," has, "together with such acts," been adopted in Texas, as the general law of the land. The act of 20th January, 1840, providing for its adoption, repealed all laws in force prior to the 1st of September, 1836, with the exception of the laws of the Consultation and the Provisional Government in force at the time of passing the act, and the laws relating exclusively to grants and colonization of lands in the State of Coahuila and Texas, together with such laws of the General and State Government as related to the reservation of islands and lands, and also of salt

lakes, licks and springs, and every description of mines and minerals. The judiciary has been organized in the same manner as in the United States.

The County Courts are holden quarterly, on the 1st, 2nd, 3rd, or 4th Mondays of the several months in which they are held; for example, in the county of Harrisburgh, the sessions are on the 4th Mondays of January, April, July, and November.

These Courts are composed of the chief justices of the several counties, and any two magistrates, who may act as associate justices. They have only appellate jurisdiction in causes taken up from the several magistrates' courts of the respective counties.

There are Courts of Probate holden in each month, by the chief justice of each county, before which Court the business of Probate Courts is transacted in a manner similar to that practised in the United States.

There are also Justices' Courts in each precinct of every county, on the fourth Saturday of each month, for the collection of all demands less than one hundred dollars, wherein the title to real estate is not involved.

The Supreme Court is holden at the seat of government, the city of Austin, in Bastrop county, on the second Monday of each year, and may continue in session until all business before it is disposed of. It is to be composed of the chief justice of the Republic, and the judges of each district as associates. It having only appellate jurisdiction, any four justices constitute a quorum, the judge from whose district the appeal lies, vacating his seat *pro tempore*.

The Republic is divided into five judicial districts, in manner as follows, viz.:

FIRST JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
San Augustine,	San Augustine,	1st Monday in Mar. and Sept. 3 wks.
Sabine,	Milam,	4th do. do. do. 1 do.
Jasper,	Jasper,	1st. do. aft. 4th do. do. 2 do.
Jefferson,	Beaumont	3rd do. do. do. do. 1 do.
Liberty,	Liberty	4th do. do. do. do. 2 do.
Galveston,	Galveston,	6th do. do. do. do. *

SECOND JUDICIAL DISTRICT.

Brazoria,	Brazoria,	1st Monday in Mar. and Oct. 3 wks.
Matagorda,	Matagorda,	4th do. do. do. 2 do.
Colorado,	Columbus,	2d do. aft. 4th do. do. 1 do.
Austin,	San Felipe de Austin,	3rd do. do. do. do. 1 do.
Fort Bend,	Richmond,	4th do. do. do. do. 1 do.
Harrisburgh,	Houston,	5th do. do. do. do. *

THIRD JUDICIAL DISTRICT.

Washington,	Washington,	2d Monday in Mar. and Sept. 2 wks.
Montgomery,	Montgomery,	4th do. do. do. 1 do.
Robertson,	Franklin,	1st. do. aft. 4th do. do. 1 do.
Milam,	Nashville,	2d do. do. do. do. 1 do
Fayette,	Lagrange,	4th do. do. do. do. 1 do.
Bastrop,	Bastrop,	5th do. do. do. do. 2 do.

FOURTH JUDICIAL DISTRICT.

Bexar,	San Antonio de Bexar,	2d Monday in Mar. and Oct. 3 wks.
Gonzalez,	Gonzalez,	1st do April and Nov. 1 do.
Jackson,	Texana,	2d do. do. do. 1 do.
Victoria,	Victoria,	3d do. do. do. 1 do.
Goliad,	Goliad,	4th do. do. do. 1 do.
Refugio,	Refugio,	1st. do. aft. 4th do. do. 1 do.
San Patricio,	San Patricio,	2d do. do. do. do. 1 do.

FIFTH JUDICIAL DISTRICT.

Houston,	Crockett,	1st Monday in April and Oct. 1 wk.
Nacogdoches,	Nacogdoches,	2d do. do. do 3 do.
Shelby,	Shelbyville,	1st. do. aft. 4th do. do. 2 do.
Red River,	Clarksville,	3rd do. do. do. do. 2 do.

*In the two preceding districts, it will be perceived that the Courts are to be holden until the business before them is disposed of; commonly from three to six weeks.

In Mexico, the laws are complicated and voluminous, and wretchedly corrupt in execution.

CUSTOMS REGULATIONS.—By act of May, 1838, the laws of the United States, in relation to the customs' revenue, which were in force on the 12th of June, 1837, were duly declared to be the laws of Texas. Special acts of the Texan Congress supersede these laws. There are no special enactments to embarrass merchants or

masters of vessels. All legal instruments to be valid in Texas must be attested by a Consul, if there be one in or near the place where the instrument is executed. The warehousing system has been established. From the Sabine to the Rio Grande, there are seven Collectoral Districts, with ports of entry—Aransas, Matagorda, Brazos, Galveston, Sabine, San Augustine, and La Vaca.

REVENUE.—The sources of revenue are, customs' duties, taxes, and land dues, and sales of public land and town lots.—Until Texas is relieved from financial embarrassment, she is obliged to postpone the completion of her free trade policy, and exact duties on imports. The tariff is, however, light; in 1840, 15 per cent. *ad valorem* was levied on all taxed articles except wines, malt liquor, and spirits. Recent accounts state that, in consequence of the depreciation of the currency to one-third of its nominal value, those articles which had been previously charged an *ad valorem* duty of 15 per cent., were to pay 45, with the exception of sugar, coffee, salt, and steel, which were to remain as before. To facilitate certain financial arrangements with France, a special act has been passed to permit the introduction of French wines free of duty. Each emigrant is permitted to introduce farming utensils and furniture in use to the amount of 500 dollars, and all books free of duty. Mechanics are likewise permitted to introduce suitable tools to the amount of 500 dollars: indeed the Texan Government is sedulous in providing inducements for settlers. By act of January 26th, 1839, a citizen of Texas could hold his or her house, 50 acres of land, improvements to the value of 500 dollars, furniture to

the value of 200 dollars, improvements in trade or husbandry to the value of 50 dollars, five cows, one yoke of oxen or one horse, twenty hogs and a year's provisions, "independent of any writ of execution or *fieri facias*."

All invoices of goods must have attached to them a certificate from a Texan Consul at the place from whence they are shipped, stating that the prices affixed to them in the invoice are the fair and common prices at which such articles are selling at that time; or, in case there is no Consul at the place from which the goods are shipped, the invoice must bear a certificate to the same effect from two respectable merchants of the place, and also the certificate of a Judge, or Notary Public, as to the respectability of the said merchants. When such certificate is not brought, or when the Collector of any port is of opinion that an attempt has been made to practise fraud or collusion, it is his duty to appoint two appraisers, and collect the duties according to their valuation. As this latter mode is both more troublesome and expensive than the former, persons shipping goods would do well to procure the certificate of the Consul, or two merchants of the place from which they are shipped.

Texas has set the example of resorting to direct in preference to indirect taxation. By a law passed on the 16th of January, 1840, every citizen was called upon to pay for the support of the Government in proportion to his wealth. The provisions of the law operate lightly on mechanics and labourers; its pressure is chiefly felt by the great land speculators, one of whom, however, Mr. S. Williams, of Galveston, introduced the bill. The

collection of the direct taxes was assigned to the Sheriff, and, in the words of the act, the assessor was bound

"To form from the registers and from the inventories of various persons a general inventory of all the taxable property of each individual in the county, which general inventory must express the quantity of land owned by such individual, and its appraised value, and also that which such individual holds as guardian, executor, or administrator, and also that which such individual holds as attorney or agent of another person; and upon the land owned by such individuals, after being valued, there shall be levied and assessed a tax of one-half of one per centum on each dollar of valuation, and the same rate of per cent. shall be levied and assessed upon that which such individual holds as guardian, executor, or administrator, unless the legal heirs of such land so held be non-residents of this Republic; in which event there shall be levied and assessed a tax of one per cent. on each dollar of valuation; and upon all land which such individual holds as attorney or agent for another, the assessor shall levy and assess a tax of one per cent. on the valuation; and all other property expressed in the general inventory shall have levied and assessed upon it the specific tax which this law explicitly defines."

The "head-rights" of those who had been killed, or had died while in the service of the Republic, were to be exempted from taxation so long as they were owned by the heirs of the parties, or until such time as Congress should otherwise direct.

A special Committee of the Senate reported in 1839 on the subject of a Tariff. The Report admitted that import duties were indispensable in the embarrassed state of the country, "in order to defray the current

expenses of the government," but its authors "hailed with mingled pride and confidence the approach of that happy day when Texas, by the development of her agricultural resources, would be enabled, as her true interest would then dictate and demand, to throw open her ports to all the world, and establish a system of *absolute free trade*. Then would cities, internal improvements, literary and benevolent institutions, and works of utility and ornament leap into existence, as if by magic—the bays and harbours be whitened with the sails of foreign vessels, supplying them with every species of merchandise, at one-fourth the existing price, and taking in exchange their cotton, live oak, and other exportable products."

The Committee laid down the principle that "the public revenue should be contributed in a direct ratio to the amount of property, no matter of what it consisted, whether real, personal, or mixed, which each citizen had to be protected: in other words, the possessor of 100,000 dollars should pay one hundred times as much for its protection as the possessor of 1,000 dollars paid." This position being assumed, they proceeded to consider what was "the most just, equal, and cheap mode of obtaining from each citizen his necessary tax, or contribution, for the support of Government. In a government constituted like theirs, where all were cultivators of the earth, without any manufactures to foster, and without a mercantile revenue, the Committee" contended "that the public revenues should be derived from a direct tax on all the property of the citizen, of every species and description whatsoever."

The Committee set forth the several grounds on

which they objected to a Tariff. In the first place, they held indirect taxation to be anti-republican. The argument that it was necessary "to inveigle, or delude, the citizens out of a tax, might well apply to despotic governments, where the people were intentionally kept in ignorance, but it attacked and overturned the main principle of Republicanism—the capacity of the people for self-government. How could the people be capable of self-government unless they possessed a knowledge of the *modus operandi* of Government in all its departments and ramifications, and unless they felt a willingness to contribute their just proportions for the support of Government—*fairly, equally, and directly?*"

"The reverse of this proposition would amount to nonsense and a contradiction in terms.

"This argument might have answered to some extent in the infancy of the government of the United States, before that people had become experienced in and familiar with the practical administration of Republican government.

"But can this argument be properly advanced in this enlightened age? Have we not had the advantage of more than half a century's experience in the science of self-government? Are mankind to progress no more in the great study of political economy, a subject which, although ably handled since by a host of authors, yet not one single work had been written on it at the commencement of the American revolution? Should not the lights shed abroad by the sages and statesmen of our parent land guide and govern us in our political path, and their errors stand, like beacons on the summit of a mountain, to warn us of impending danger? The doctrine, then, that it is necessary to blindfold and delude the citizen out of his requisite support of government, should

at once be repudiated and abandoned at the outset of a national career commenced like ours under such accumulated advantages. If the people are unapprised of the utility of a measure, facts and arguments should be placed before them; they should be reasoned with frankly and freely, and a correct decision on their part will be the almost certain consequence. Unfortunately, a contrary course has been pursued in other countries, which has led to their downfall. Demagogues, on finding a measure right in itself to be nevertheless unpopular, instead of having the moral courage to hazard the loss of their stations, by 'nobly daring to speak the truth,' have, for the sake of office, fallen in with, increased, and inflamed the prejudices of the people, and flattered them to their ruin."

The plea for a Tariff as a protection to manufactures did not apply to Texas, which had none, and probably never would have any to a considerable extent. All writers on political economy, "from Adam Smith down to the merest driveller in a magazine or newspaper," admitted that, in a nation composed of cultivators of the soil, and where all productive labourers could find profitable employment by cultivation, the adoption of a Tariff was a suicidal policy.

"How is the Tariff system, the Committee would ask, kept up in the United States of the North? *Is it not forced by the manufacturing and commercial States of the North and the East upon the agricultural South?* If the South should compose a Southern confederacy, would they dream of a Tariff?

"Has not their opposition to it, through the medium of nullification, shaken the Government to its centre, and threatened it with dissolution?

"These are facts with which even schoolboys are familiar."

After disposing of an objection founded on the depreciated state of their currency, the Committee appealed to the judgment of the citizens:—

"So far as the citizen is concerned, it is certainly unimportant whether he pay a tax of one hundred dollars direct and fifty dollars to the government indirect, as through the Tariff, on account of the enhanced price which the Tariff puts upon all merchandise; the committee repeat that it is unimportant to the citizen whether he pay his tax part directly and part indirectly, or whether he pay the whole one hundred and fifty dollars in direct taxation, as he would do if the Tariff were abolished. The amount is the same, and all Tariff dues are paid at last by the citizen and consumer, who of course would be able to add to his direct tax the sum which was saved to him by the abolition of the Tariff. Indeed, it would be preferable to the citizen who wished to enjoy the manly consciousness of feeling that he was not blind-folded or deluded out of his tax, and of knowing what he was doing with his means. A direct tax would be far preferable on another account. The existence of a Tariff enables the merchant to extort and impose heavy prices on the purchaser, under the pretence of the high duties exacted by the government on the articles which he is selling. *Therefore it is that the merchant will be found almost invariably opposing the abolition of the Tariff.* Indeed, in a government founded on the principle that the people are capable of self-government, as is ours, it is painful to witness how much and how often individuals are deceived in relation to the indirect tax which they pay to government. One of the committee, in arguing this question with a friend of the Tariff a few days since, was informed by his opponent that the Tariff was indispensable; that it had yielded more than one hundred thousand dollars

of revenue, &c., &c. He congratulated himself on his only having paid about twenty dollars tax upon his land, stock, &c. The member of the committee referred to convinced the gentleman with whom he was conversing, that on account of the Tariff, in the very suit of clothes he then had on, he had paid to the government, indirectly and unknowingly, more than his whole direct tax amounted to. The operation of a Tariff predicated on the ignorance of the people is like the gilding of a pill which we give to a sick child under another than its real name, and is absolutely insulting to the understanding of those who are proclaimed by our constitution 'capable of self-government.' "

Another objection to a Tariff originated in local causes. It was utterly impossible to enforce an equal collection of duties, and the people in Central Texas paid five times more in proportion to numbers than the people East of the Trinity.

"Situated as our eastern brethren are, with a small stream, the Sabine, for a boundary, which can be crossed at any point, and carrying on, as many of them do, their commerce up Red River to a point far above the raft, the army of Napoleon could not, in such case, carry into effect the revenue laws of the country. This is intended as no reflection on our eastern brethren; for were we similarly situated, we would in all probability pursue a similar course; for, unfortunately, smuggling is too generally considered a very trifling and pardonable offence."

The collection of direct would be cheaper than the collection of indirect taxes.

"It is hard enough upon the citizen to pay his tax if all that he pays goes into the public treasury, but it becomes

truly painful when he reflects that at least one-third goes into the pockets of an unnecessary swarm of collectors, deputies, clerks, boarding officers, and a host of other petty tax-gatherers. The expenses attending the erection of custom-houses, and paying the necessary Tariff officers, have amounted to the enormous sum, during the present year of forty odd thousand dollars. All this might have been saved by a system of direct taxation, for a sheriff could collect one per cent. just as easily as he could one-half per cent."

Its tendency to encourage the demoralizing practice of smuggling formed another objection to a Tariff. All nations, no matter how moral or enlightened, would embark in smuggling where anything bordering upon high duties prevailed. And what could be more objectionable than the necessity under which strangers, or citizens approaching their homes by sea, were placed, of procuring permission to land even their wearing apparel, and submitting their persons to custom-house inspection?

The Committee declared its conviction that nothing would so much tend to ensure the favourable notice of England, and the recognition of their independence by that power, as a system of free trade. Once recognised by England, they would no longer have vainly to attempt to beg off their Government bonds at the enormous rate of ten per cent. for 30 years. Her capitalists would then have confidence, and they (the Texans) would be enabled to negotiate their loan as several of the North American States, not possessed of a fiftieth part of their resources, had done, namely, at one-half the interest which they had offered. It was not their cotton alone that was calculated to awaken the attention of England, their

vast forests of live oak presented to maritime nations advantages not to be found elsewhere.

"The superiority of this timber over all others for shipbuilding, on account of its durability and its impenetrability, is known to those in the slightest degree conversant with such matters. So great is the rage for procuring this timber, that when the United States took possession of Florida, after purchasing it from Spain in 1819, they found that the English, French, and Russians had been for fifty years carrying off the live-oak, and had in fact destroyed most of that which was convenient to tide-water. The Emperor of Russia, in his anxiety to secure a supply of it, ordered to Russia several hogsheads of the acorns, for the purpose of planting them in some of his most southern dominions, where, if they succeeded at all, from the slowness of their growth, they may be of service to the czar who fills his seat some two hundred years hence, but not sooner. It is obvious, then, that our live-oak is destined to be an important item in the eyes of England and all other nautical nations, and their attention will be much sooner called to it and to us as a nation, by the establishment of a *system of free trade*."

Of all people on earth, the inhabitants of Texas were, in the estimation of the Committee, the most interested in imposing such a tax on lands as would compel large landholders to pay liberally for the support of Government; or, what would be as advantageous for the public interest, such a tax as would compel them to sell at fair prices.

"Contrary to the intentions of God, who undoubtedly created the earth for the inheritance of his creatures, and did not therefore design that that which could support and give

comfort and happiness to thousands, should be monopolized by and lie idle in the hands of a single individual; and contrary to the true interests of our republic, which, by a continuance of this state of things, will remain a wilderness; there are many among us claiming a territory as large as some of the independent nations of the earth, who will neither improve a foot of it themselves, nor dispose of it to those who will. A tax, then, upon land would force a sale, would ensure the settlement and cultivation of what is now entirely unproductive, or would greatly enrich the public coffers if the tax were paid. In this tax upon land it seems just to the Committee that the land in actual cultivation should be taxed more lightly than that which is wild, and yielding nothing to the government or to any one. *The land in cultivation is doing its duty.* That employed in growing cotton is bringing to the country all the good currency that ever reaches it."

The planter who enriched the country ought not, by a high tax on his cultivated lands, be made to pay for rendering the community a service; neither ought the small farmer who supplied the immigrants with the necessaries of life, be made to pay for that which promoted the settlement and prosperity of the country.

"On the other hand, shall the owner of from eleven to two hundred leagues of land, who never saw a foot of either, who has added nothing to the productive exports of the country, who has contributed nothing in purse or in person to its defence and protection, who probably, in the darkest periods of our struggle, has been reposing quietly on beds of down in New York or some other place of safety, rearing his family in the best society, educating his children at the best of schools, and mingling in the most polished and luxurious walk of life —shall that individual reap the enhanced price which the

labour of others puts on his lands, and at the same time encounter none of the privations nor pay any of the expenses of government? This needs no answer.

"A land-tax of the kind above-mentioned is, in the opinion of your Committee, loudly and imperatively called for. Such an one will save the necessity of the odious, and to us suicidal Tariff system. It will be sufficient to defray the expenses of government without a resort to imposts. The Committee, in the above remarks, allude as well to large land-holders who are residents, as to foreigners. They should *all* be taxed, so as to make them *disgorge* what are in too many instances their ill-gotten acquisitions, and so as to enable us to open our ports to all the world, upon which so much depend the prosperity and glory of our infant Republic."

In accordance with the views propounded in this Report, Congress passed the direct taxation law of January 1840.

Having shown the principles which govern Texas in relation to its commercial intercourse with foreign nations, I shall illustrate the policy of Mexico on the same subject. The ports designated for foreign commerce are—in the Mexican Gulf—Sisal, Campeachy, Tabasco, Vera Cruz, Tampico, and Matamoros; in the South Sea, Acapulco and San Blas; in the Gulf of California, Guaymas; in the Bay of Monterey (Upper California), Monterey.

I have before me a copy of the Tariff which became law on the 11th of March, 1837, printed at Matamoros; in which, I believe, no material *improvements* have since been made. This Tariff consists of eight chapters, and a hundred and twenty-two articles or regulations, of which nearly fifty are occupied exclusively with rules

referring to shipping, ships' papers, forms to be observed, and heavy penalties for the slightest deviation; all professedly for the shipmaster's guidance, but actually calculated to involve him in a labyrinth of perplexities. Indeed, were all these regulations strictly enforced, it would be hardly possible for any vessel to escape seizure and condemnation. With respect to the duties imposed, they still continued so heavy upon all articles, except some light fancy goods (such as silk gauze), that, notwithstanding a considerable abatement of those prescribed in the preceding Tariff, smuggling, which had impoverished the Exchequer, more even than internal and external war, was certain to be prolonged in full and unimpeded activity, the venality of the Mexican officers of customs being notorious.

Linens of all classes are taxed nine cents of a dollar per square vara, a measure rather less than an English yard, the cent being about equal to one halfpenny. Linen thread is taxed with a prohibitory duty of one dollar per pound. Plain, printed, and dyed cottons, muslins, &c., pay generally 12½ cents the square vara; cotton stockings 2 dollars 25 cents the dozen; both which rates are excessive, and prohibitory of importation, except in the finest and most expensive qualities. Upon that description known as power-loom cloths, and upon printed goods of fair quality, such a duty is equal to perhaps not less than 100 per cent. upon the value; and these are the qualities of greatest consumption among the middle and even the higher classes. The apology for these excessive rates is protection to the native manufacture, which in cotton is carried on to a considerable extent in Mexico; but, even on such a plea, the tax is

vastly beyond the necessity of the case, and can only lead to defeat its purpose by the encouragement of smuggling. It would seem, however, to have been imposed as much in the hope of producing a revenue as with the object referred to: for cotton yarns, which are indispensable for the use of the Mexican manufacturer, are taxed 10 cents per pound from No. 21 upwards, which at No. 40 would amount to not far short of 50 per cent. upon value. Thus the high rate of duty upon twist serves only to raise the prices of Mexican manufactures, and so far enhances the disadvantages of competition with foreign made goods. Superfine woollen cloth is taxed one dollar per square vara; double-milled kerseymeres 75 cents; and so in other sorts of woollen goods, down to 12½ cents. These are rates of duty so much the more impolitic, as Mexico possesses no woollen manufacture to protect worth notice, and therefore can only injure the revenue they are intended to increase. The duties on silk goods range from 2 dollars to 3 dollars 75 cents the pound, which upon light and fancy articles may not be materially felt, but upon plain and heavy goods press heavily, if not equal to prohibition on fair importation. Independent of those duties to be paid at the port of entrance, there are other heavy exactions to be paid in the places or States where imported for consumption. The tax by measure is further increased to some extent by the article of Tariff which enacts, that when the foreign measure used exceeds the Spanish vara in length, as the yard, for example, does the vara, the duty shall be levied by the square vara, instead of the simple vara, as in cases where that measure is used.

It is known that the Mexican Government made a

monopoly of the produce and trade of tobacco. While Mexico was a province of Spain this monopoly was valuable. In a period of more than forty years previous to the revolution, it produced on an average more than three millions of dollars per annum: since the revolution, the income from this source has steadily declined. The Government, chiefly engaged in foreign or domestic strife, farmed out the monopoly to incompetent persons, or appointed lazy or unfaithful agents, in consequence of which, for the years 1837 and 1838, the monopoly yielded only 700,000 dollars per annum; and, for 1839, only 600,000. In the year 1840, the necessities of the Government induced an offer of the sale of the privilege to those who would lend the largest sum of money. The Government had received more than the monopoly would amount to, and it was probable that another year would witness the extinction of the system and the opening of the trade.

The exclusion of its subjects from the retail trade in Mexico formed one of the grounds of complaint alleged by France against that country. A Mexican paper (the *Matamoros Anchor*) of the 15th July, 1840, referring to the law forbidding any but native citizens to dispose of articles of commerce by retail, and showing how beneficial the enforcement of the rule had been to Mexicans, complains bitterly of the course pursued by the Minister of Internal Affairs on the question, asserting that licences had been sold by this functionary to a few foreigners, and, so far from securing the retail trade to the natives, he had given to those few persons a virtual monopoly of the whole of it.

A well-informed and benevolent observer, writing

from Mexico in 1828, says, "At the Custom-house in the city of Mexico, you see hundreds of productive, industrious labourers losing their time waiting to get a pass for a pound of chocolate, sugar, or coffee, without which pass they are not permitted to go out of the gates. What horrible oppression!"* "Pulque," he remarks, "the beverage of the people, like the beer in England, is taxed very high, as well as the salt and tobacco. The Indians (and mixed castes), constituting four-fifths of the population, have always manufactured their own clothes."

Mr. Forbes, a British resident in Mexico, observes, in 1835:—

"The Mexicans still see nothing but wisdom and the sources of political prosperity in all the antiquated prohibitions, protections, and exhorbitant duties of the most barbarous age of commerce. This outrageous system, so contrary to sound policy, and so opposite to the modern and enlightened doctrines of political economy, has reduced the revenue from her custom-houses to a trifle, and her treasury to bankruptcy. The old colonial system, however much decried by the new Republics, seems so rooted in their natures, that nothing but what savours of its ancient principles will go down. The same organization of the custom-houses, the same division of duties, under different denominations and per-centages, which create an interminable set of accounts and documents—the same number of officers—in short, the same confusion and facilities for contraband still exist in their revenue department, in all the

* Opinions on Various Subjects; by William Maclure, formerly of Philadelphia, and for twenty years President of the Academy of Natural Sciences in that city. New Harmony, Indiana, U.S. 1831.

perfection of the olden time. These and their necessary appendages of *alcavalas* (transit duties) and custom-houses in every inland town, which render the fiscal laws of Spain and her colonies so intolerable, still flourish in all their vigour, and place the new Republics almost out of the pale of enlightened commercial communities, and, at the same time, make them so remarkable for bad financial credit. The whole of the new Republics have strictly imitated their parent in putting their finances into a state of bankruptcy, in which, under their present system, they are likely to remain."*

Mr. Forbes admits that many of the statesmen in the South American countries have liberal and enlightened views, but "it has unfortunately happened, particularly with Mexico, that its government has been controlled by persons who have not put in practice even the rudiments of an elightened policy in its commercial laws, nor made one step to the reform of its ruined and bankrupt finances. The great bulk of the people think that, instead of reducing the duties, abating the eternal Custom-houses, and simplifying the absurd classifications of duties at the Maritime Custom-houses, in order to augment their prosperity and better their revenue, they have only to impose higher duties, and multiply officers of the customs, pass restrictive measures for the encouragement of native manufactures which do not exist, and to fulminate decrees and issue moral precepts against unfaithful *employés* and smuggling citizens and foreigners. In this manner, the Mexican government has gone on through all its changes, in the steady course of heaping duties upon duties, multiplying restrictions

* California, by A. Forbes, Esq. London: Smith, Elder, and Co.

and augmenting offices, till its mercantile system has become a monstrosity, not to be paralleled in any corner of the world."

PUBLIC DEBT AND AVAILABLE MEANS OF TEXAS.

Statement of the Estimated Debt of the Republic of Texas on the 30th of September, 1839, viz.:—

	Dollars. Cents.
Government Promissory Notes received in payment of duties and all public dues .	1,822,127 : 94
Funded Debt due and redeemable at the pleasure of the Government after 1842 .	803,479 : 53
Due for vessels of war	660,000 : 00
	3,285,607 : 47

The last accounts represent the whole amount of claims against the government at 5,893,000 dollars. No exertion is spared to pay the interest on bonds held in the United States. From the 1st of March, 1841, no money was to be issued by the Government, except the notes received in payment of customs, duties, and taxes.

The Estimated Receipts into the Treasury for the Fiscal Year, commencing 30th September, 1839, and ending 30th September, 1840, are as follow:—

	Dollars.
From Customs	400,000
Taxes and Land Dues	500,000
Sales of Lots in the Cities of Austin and Calhoun .	400,000
	1,300,000

The above estimate of the current receipts for the year 1840 does not include the anticipated proceeds of the sales of the Cherokee lands, which were to be brought into market, to be partly sold on a credit to actual occupants, and to go to the credit of the Sinking Fund of the Republic, established to extinguish the public debt.

These lands have been valued at four or five millions of dollars.

The following is an average estimate of the extent of appropriated and vacant domain in Texas, according to a return from the General Land Office in 1839:—

Estimated area of Texas . . .		203,520,000 acres.
Titled land . . .	23,148,856	
Headrights under present L. Law . . .	28,238,499	
Bounty warrants up to Oct. 10, 1838 . .	2,990,000	
Donation land . . .	341,760	
Total of appropriated land . . .		54,719,115 acres.
Leaving vacant land in Texas . .		148,800,885 acres.

From which is to be deducted the amount of land scrip, sold by authority of the government.

"In making the above estimate," observes the commissioner, "I have supposed the existence of titles for 2,107,000 acres of land, one-third of which may be situated on the east side of the Rio Grande; one-sixth on the west side of the Nueces; one-sixth east of the Nueces, in M'Mullen's and M'Gloine's colony; and one-third on the San Antonio River."

The Mexican debt to British bond-holders amounts to 9,045,332*l.*, yearly interest 486,861*l.* By the act of the Mexican Congress in 1837, for the conversion of the foreign debt, which, after having been modified and amended by the bond-holders, was ratified on the 1st of June, 1839, by President Santa Anna, it was stipulated that, for the further security of the principal and interest of the new bonds, one hundred millions of acres of land in the Departments of California, Chihuahua, New Mexico, Sonora and Texas, and twenty-five millions of acres in the departments "having the nearest communication with the Atlantic, and best suited for colonization from abroad," should be specially hypothecated until the total extinction of the bonds. The deferred bonds were to contain a clause, or clauses, providing that the Mexican Government, when thereto required, should grant the bearer of the bond full right of property and *complete possession* in the number of acres of land corresponding to the amount of the bond, with accruing interest thereon, at the rate of four acres of land for each pound sterling, of which *full* and *complete possession* should be given by the competent authorities. The act of confirmation enjoins the government, on its *most strict responsibility*, to divide the lands so as to *prevent the too great concentration of the emigrants on one point.* The colonies were to be located *at some distance from each other*, and as near to the *Mexican towns* as might be convenient. The government was also to take care that the existing laws relating to emigration should be enforced, as likewise any others that might be enacted in future, and consisting with the tenor of the agreement. No religion, of course,

to be tolerated but the Roman Catholic. The government of Texas pleaded independent sovereignty in answer to the land claims of the Mexican bond-holders, but admitted that they had a fair title against Mexico, to the amount of the indemnity to be given by Texas for the disputed territory between the Nueces and the Rio Grande.

The public will judge respecting the good faith of Mexico in ratifying so late as the month of June, 1839, a Convention for the contingent transfer of lands in Texas to its British creditors. It engaged to put the holders of warrants in "complete possession" of their guaranteed lands. How? The whole arrangement argues shameless insincerity or outrageous folly on one side, and singular ignorance of local circumstances on the other. It will now be necessary for the British creditors to look well after their rights. Free trade cannot exist in Texas without injuriously affecting the receipts of Customs at Tampico and Vera Cruz, unless indeed the revenue system of Mexico be placed upon a rational footing.

SLAVERY.—Political, social, and economic considerations have combined to render Texas a slaveholding country. At the time of the adoption of the Constitution, most of its inhabitants were from the slaveholding States of the American Union and felt desirous that their relatives and friends, and people of manners and habits similar to their own, should settle among them. This, they knew, many of them would not do, unless permitted to bring their slaves along with them. Besides, the Northern States were opposed to Texas, and, in case of invasion, they had no allies to fall back

upon except the people of the South. There was another (at present the most powerful) reason for introducing slaves from the neighbouring States—the abundance of land and the scarcity of labour. The Republic has sustained itself under extraordinary difficulties, but means are wanting to raise its currency, and to bring its commercial policy and plans of improvement into operation. Capital is required, to create which labour is essential, and that has not offered in such abundance as to induce the Republic to prohibit the removal of slaves with their masters from the Southern States, across the Sabine. It is computed, that each field negro in Texas realizes by the cultivation of cotton and Indian corn to the amount of, at the lowest calculation, 500 dollars per annum, without injury to his health.

A planter with fifty negroes, procuring from their labour a yearly income of £5,000, is not easily to be *argued* into the relinquishment of a right which the law and usage of his birth-place have always recognised. As to approaching the planters, or people of the South, with threats and vituperation, *that* can be productive of nothing save unmitigated mischief. Much exasperation has grown out of this mode of interference already, wholly unredeemed by beneficial results. Unless foreigners are prepared to effect by force of arms the emancipation of the negroes in the United States and Texas, they will do well to abstain from exaggerated statements and intemperate language; they can only hope to make an impression by the use of moral dissuasives, and especially by addressing themselves to the question in its economical aspect, bearing in mind the

wants of a new country, every emigrant to which is expected to bring with him an addition to its resources, in labour or capital—the introduction of negroes being considered equivalent to the latter.

With the exception of the low line of the coast, particularly the rich tract adjoining the Brazos, the labours of tropical agriculture may be performed by whites without detriment to health. In the less salubrious districts, the soil is peculiarly adapted to cultivation by steam power, for the application of which, an ingenious American engineer, now in London, has obtained a patent. The machinery, he alleges, is capable of performing nearly all the labour required in cotton, sugar, rice, and tobacco estates, besides clearing forest land. If such machinery can be effective anywhere, it must be on the alluvial lands of Texas, where the surface is level and the earth free from stones. At all events, the experiment, which is recommended by a great saving of expense, is worthy of a trial.

The demand for slave-labour decreasing in proportion to the introduction of free, which is much better,—by interdicting the latter, the field is left open exclusively to the former: yet this is the way in which anti-slavery advocates propose to promote their principles in Texas, whose inhabitants they essay to influence, not by reason and moderate language, but by calumny and invective.

The whole slave population of Texas cannot at the very utmost, I should think, amount to 10,000. Almonte gives 2,000 as the number in 1834, and these were dispersed during the invasion of 1836. The unsettled state of the country for a year or two afterwards

would, of course, impede the settlement of planters with their slaves. Texas is not geographically adapted to the great extension of slavery. Beyond the Rio Grande, labour is abundant; the population distributed along its banks lead a pastoral life, and the climate towards the west and north-west is better suited to the European than the African constitution. Negroes would make very inefficient herdsmen, whereas the Mexicans of the northern provinces cannot be surpassed. Why should Europe assail the people of Texas because they avail themselves of the only practical mode of cultivating their fertile country and recruiting their finances, when that territory is open to the industry of all who choose to transplant themselves thither and pre-occupy the field of labour?

Among the unjust accusations brought against Texas is the charge of encouraging the African Slave Trade—a charge refuted by the provisions of its Constitution, which prohibit the importation or admission of Africans, or Negroes, into the Republic, excepting from the United States of America, and declare it to be piracy. This provision was the voluntary act of the framers of the Constitution. By an act of Congress of the 21st December, 1836, it was provided that "any person or persons who should introduce any African Negro or Negroes, contrary to the true intent and meaning of the ninth section of the general provisions of the Constitution, declaring the introduction of African Negroes into the Republic to be piracy, except such as were from the United States of America, and had been held as slaves therein—should be considered guilty of piracy; and upon conviction thereof, before any court having

cognizance of the same, should suffer death, without the benefit of clergy." It was likewise decreed by the same act that "If any person or persons should introduce into the Republic of Texas any Africans or any slave or slaves from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that Republic, in conformity with the laws of that government, should be deemed guilty of piracy, and upon conviction thereof, before any court having cognizance of the same, should suffer death." By an act, of June, 1837, all free Africans, or descendants of Africans, who were in Texas at the date of the Declaration of Independence, and their natural issue, were granted the privilege of remaining in any part of the Republic they chose. In a Message to Congress from President Houston, in 1837, I find the following decisive passages on this subject:—

"Not unconnected with the naval force of the country is the subject of the African slave trade. It cannot be disbelieved that thousands of Africans have lately been imported to the island of Cuba, with a design to transfer a large portion of them into this Republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. Our abhorrence to it is clearly expressed in our Constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our Ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

"The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason

why the governments of the United States and England should employ such a portion of their force in the Gulf as will at once arrest the accursed trade and redeem this Republic from the suspicion of connivance, which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue, the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity."

The following paragraph of a later date appeared in a Texan newspaper—the *Houston Morning Star.*

"We learn with much regret that several vessels have been fitted out from New Orleans to proceed to Cuba and smuggle slaves into our country. The course intended to be pursued in effecting this object is to run the vessel up the Sabine and land them on the United States coast, from which the transportation of them across the river into our own country would be but the work of a moment. The government of the United States have taken measures to frustrate this accursed expedition, by appointing Captain Green, formerly of the revenue cutter Woodbury, United States' collector at the Sabine, who is provided with a sufficient force to forward the accomplishment of the design. We do sincerely hope that, if the report be true (and we cannot doubt it), the officer will be successful in capturing the individuals engaged in this business, and that the penalties of the law will be enforced with the utmost rigour and decision."

I have heard that the Cuba speculators succeeded in smuggling a number of Negroes into Texas, in the manner described, but not to any considerable amount, although Sir T. F. Buxton, in his "Slave Trade and its

Remedy," states that he had been informed, "upon high authority," that, within the years 1837 and 1838, no less than "15,000 negroes had been imported from Africa into Texas." The Dutch Consul-General at Havannah has gone a step farther, having said that this amount had been imported in a single year.* A simple calculation will show the monstrous extravagance of these allegations, apart from the dispositions of the government and people of Texas.

The "wholesale price of Africans" at Havannah was, according to Mr. Turnbull, in 1838, above 300 dollars a head. Add about another hundred dollars for freight and risk of capture, and the gross amount of money alleged to have been expended, in one year, on slave labour, by a young and recently desolated country, reached the enormous sum of six millions of dollars, or 1,200,000*l.*! The readers of this work are acquainted with the condition of Texas in the period specified, and can appreciate the pains-taking impartiality that has held the Republic up to the reprobation of the world on the basis of such "facts" as these.

The British brig of war Pilot visited Texas, with a commission to inquire into the reported sale and detention of some free negroes, that had been kidnapped and conveyed thither by one Taylor, a native of Barbadoes. The Texan government afforded every possible facility to the Commission, and Taylor was taken, and eventually sentenced to fourteen years' transportation.

Even as a slaveholding state, according to its constitution, Texas, if justly and respectfully dealt with, could, and unquestionably would, afford material aid to

* Turnbull's 'Cuba.'

British ships of war in their endeavours to prevent the importation of Africans into Cuba. But the only result that can follow the stoppage of European emigration and the reiteration of insult to calumny, is to constrain the Republic to depend almost exclusively on slave labour, and to repel the advances of its caluminators with the same spirit which it displayed towards Cos and Santa Anna, whose perfidious invitation to the slaves to unite with them, for the destruction of their masters, ended so miserably for those unprincipled commanders. Again and again would I repeat that, for good or for evil, the men of the Southern States will yield no answer to dictation, home or foreign, save armed resistance. In proportion as their apprehensions are awakened, their pride is stimulated, and the tighter is the rein drawn upon the negro—the more resolute are they to hold on to the death. Does any portion of the people of England desire (if the object were so to be attained) to liberate the negroes of the Southern States by the frightful process of a servile war? If they do not, then they are utterly inexcusable in assuming an attitude which can have no other effect than that of making the continuation of slavery a point of honour with high-spirited men, who, referring to their legislatorial archives, tell us, and tell us truly, that slavery was forced upon their fathers by the arbitrary will of England.

The condition of the bulk of the Mexican population is inferior to that of the slaves of the American States. So early as 1799, the Bishop and Chapter of Mechoican, in a memorial to the King of Spain, pronounced the moral improvement of the Indian race *impossible*, unless the obstacles to the progress of *national industry* were

removed. In the hands of the Creoles, composing only one-tenth of the population, almost all the property and wealth of the kingdom were centered. The natives might be said to have *no individual property*.

"The same tricks," says Maclure, "are practised on the Indians in Mexico, as on the working classes in some parts of Europe. Their masters encourage the thoughtless beings to run in debt to them, after which they provide them with necessaries at a profit which effectually prevents them from getting out of debt, and puts them as much under their control as if they had bought them, with this advantage over negro slavery, that the master has no outlay of capital in their purchase, nor losses by their death. So that until the Indians get informed, all the advantages of slavery to the masters, without any of the expense, is the consequence of the present state of civilization." * * *

"The Indians of this climate of perpetual spring," he further remarks, "have fine capacities, quick intellect, are mild, hospitable, polite, and tractable when intoxicated," unlike "the morose, cruel, suspicious, and unchangeable savage of the North."

POPULATION.—It is difficult to form a close estimate of the scattered population of Texas. From the various statements which I have inspected, and certain statistical data, I should fix the average Anglo-American population at 200,000. Should Mexico accept the terms of treaty offered by Texas, an addition of probably 100,000 souls will be made to the population of the latter in the valley of the Rio Grande. I do not hesitate to predict that the population of Texas will, under an un-

impeded system of emigration, amount within seven years to one million of souls.

CORRECTIVE LAWS, MORALS, AND RELIGION.—The criminal laws of Texas are rigorous, in consequence of the influx of persons from the United States, seeking to evade punishment by flying to a foreign jurisdiction. The officers of the Republic are vigilant in searching after fugitive delinquents, and returning them to the proper authorities in the United States. In none of the new States of the Union is the law so certain to be carried into effect against a real offender, through the instrumentality of a jury, as in Texas. The general laws and municipal regulations press hardly upon the errant corps of "loafers." Justices of peace and other civil officers are enjoined to arrest all vagrants and idle persons living within their respective jurisdictions, and where there are no visible means, nor proper exertions for a livelihood, they are empowered to send the party to work for the public, thirty days for the first offence, sixty for the second,and one year for the third. There are similar regulations for the correction of drunkards, and penalties are exacted from all persons bearing deadly weapons, except the military. Faro, Roulette, Monte, Rouge et Noir "and all other games of chance played by persons, holding banks, for the purpose of attracting betters," are offences, punishable by heavy fines. The severest penalty of the law is attached to duelling. For debt, unaccompanied by fraud, there is no imprisonment, it being considered injurious and unjust, both to the community and the individual, to place a debtor in a situation in which he cannot be of use to the public, his creditor, or himself.

Texas has Temperance and Bible Societies, and Sunday Schools, but there is ample room for the extension of these and kindred institutions. The facility with which the necessaries of life are procured, tends to produce improvidence and dissipation.

There are churches in Galveston, Houston, and other towns, for the celebration of Christian worship, according to the form of Protestant Episcopalianism, Presbyterianism, and Methodism. While I was in Texas, in 1839, the Wesleyan Methodists were preparing for their Centenary celebration.

EDUCATION.—In 1839, Congress incorporated several literary institutions and granted them large tracts of land. It also passed an act granting to each county in the Republic three leagues (above 13,000 acres) of choice land, to be appropriated to the support of primary schools. By the same act; 50 leagues (above 220,000 acres) of the best land were appropriated as a reserve for the maintenance of two Universities to be established in Eastern and Western Texas. An act of 1840 provided that, in addition to the primary schools, there should be established in each county a Central Institution, in which classical literature and the higher branches of mathematics should be taught.

ARMY AND NAVY.—The regular army of Texas consists of little more than a single frontier regiment of 850 men, divided into fifteen companies of 56 men each, stationed at the frontier posts to repel the Indians. The navy, composed of a war steamer and six light vessels, is at present laid up in ordinary, with the exception of a brig and a schooner for revenue service. The expense

heretofore incurred in these departments will be materially reduced when peace is concluded between Mexico and Texas.

PRESS AND PUBLIC AMUSEMENTS.—In June 1838, there were six weekly newspapers in Texas; in June 1839, there were twelve journals, one of them published daily, and some tri-weekly. The operative printers had established a Typographical Association for controlling the rate of wages. A theatre was opened in Houston in the summer of 1838, and a respectable company was performing some of my old friend Sheridan Knowles's latest dramas in the summer of 1839. There are Jockey Clubs in several districts, and races and billiards are favourite amusements. Gambling, originating in thirst for excitement, is one of the prominent vices of the South. A professed gambler is held in abhorrence by the respectable citizens in Texas, and is deemed capable of committing the darkest crimes.—"Bring down my baggage," said one of these worthies, an adventurer from Arkansas, to the waiter of an inn. "What is it, sir?" inquired the latter. "Three pistols, a bowie-knife, a pack of cards, and a shirt."—Among all ranks and classes in Mexico, the mania for gambling ruinously prevails.

INTERNAL IMPROVEMENTS.—A railroad has been opened between the Brazos river and the bay of Galveston. Its whole length is thirty-five miles, commencing at Austinia, on the west shore of Galveston bay, and terminating at Bolivar, on the Brazos. The cotton and other products of the Brazos district are transported by this railway to Galveston for the purpose of

shipment. It is proposed to form a railway communication between Houston and Austin, which will connect the upper Colorado and Brazos with steam-boat navigation, from Houston to Galveston. The ordinary roads of Texas are of Nature's construction, nothing being required, in the dry season, except bridges for the frequent streams, to enable travellers to proceed by carriage from the Sabine to the Rio Grande. In the wet season, travelling, especially by the lower line, towards the coast, is troublesome and expensive. The facilities which Texas offers for the construction of railways, will soon cause them to be the principal means of internal communication. In Mexico, the roads are generally execrable, and merchandise and agricultural produce are carried on the backs of mules. But Humboldt wrote in a prophetic spirit, when he expressed his belief that "considering the progress of civilsation on the New Continent, land communication would gradually become very frequent between the United States and New Spain, and public carriages would one day roll on from Philadelphia and Washington to the city of Mexico and Acapulco."

"Commissioners have been appointed to mark out a road from Bastrop to Red River, taking the line of the three forks of the Trinity. Congress has provided for a military road, from the mouth of the Bois d'Arc, in Red River, to the river Nueces, at the crossing of the Presidio road; it is to be sufficiently cleared and bridged to admit the passage of waggons: block-houses or garrisons are to be maintained at various points. In the vicinity of each post, three leagues of land are to be surveyed, in lots of 160 acres each, two of which lots

are to be reserved for the government, and are given to each soldier of the frontier regiment; the remainder to be distributed among such able-bodied citizens as will settle upon and cultivate them for the space of two years. The frontier regiment was to be stationed along the road as follows:—56 men at Red River, 168 at the three forks of the Trinity, 112 at the Brazos, 112 at the Colorado, 56 at the San Marcos, 56 on the Cibolo, 56 at the Rio Frio, 224 at the Nueces. The troops were to cultivate a part of the 360 acres reserved to government, for their subsistence. The detachment at the Nueces was to traverse the country between that river and the Rio Grande. The construction of the road and the establishment of the forts will afford ample protection to the districts below it.

Companies have been incorporated for the purpose of clearing the Colorado and Caney Creek of obstacles to navigation.

When there is sufficient capital in the country, an internal navigation will be opened along the coast from the Sabine to the Rio Grande. This may be effected by cutting a canal about thirty miles in length, on a line which does not present in its profile an elevation of twenty feet. It will require three principal cuts: one, of less than a mile, from East Bayou to the Sabine Lake; one from West Bay to Matagorda, of about twenty-two miles; and one, about three miles, from Point Isabel, upon the Barra de Santiago, to the Rio Grande. An outline of prospective improvements, drawn up by Mr. T. J. Green, contains the following remarks upon the practicability of opening a communication between the shores of the Atlantic and Pacific oceans.

"A railroad is rapidly advancing west into Louisiana; and with a connecting link of one hundred miles from Oppelousas to Sabine Lake, one could pass this route from the city of Orleans to Matamoros with ease, in seventy hours. This done, and you will have nearly accomplished that great commercial desideratum which has baffled the ingenuity of the trading world for centuries—to wit, a short road to the East Indies. You can then pass up in three days to the head of good steamboat navigation upon the Rio Grande, from whence a railroad will land you upon the Gulf of California, at the port of Guaymas, one of the best harbours on the Pacific, from whence (allowing me a small figure of speech) you may converse with the people of China through a speaking trumpet. I look to the time, not distant, with much confidence, when I shall see a trip made from the Gulf of California to the city of Orleans in ten days or less, as I do to see one made from Orleans to New York in six. To this plan some may object, that there are Indians upon the route. To this I should answer, that if our uniform Indian policy failed to secure their friendship, a regiment of mounted men would command their fears. Though the geography of that portion of the country, between thirty degrees of north latitude, upon the Rio Grande and the Gulf of California, is not well understood, I learn from an intelligent friend of mine, who spent three years there, that its general profile is good, it being table land of considerable altitude, which is reached by a principal ascent from the valley of the Rio Grande. The quality of the land and character of the whole country are considered to be peculiarly adapted for grain. The Apaches and other Indian tribes have kept the Mexicans always forted in, and prevented them from working the rich mines in that district, which would be opened to American enterprise."

AGRICULTURE.—Texan agriculture is yet in an imperfect state—the fertility of the soil securing ample crops at a minimum of cost and labour. It is to be hoped that modern improvement will be substituted for the slovenly system of slave culture, and that the process of exhausting the soil, which has impoverished several of the Southern States of the American Union, will be abandoned on the prairies of Texas. The average produce of wheat in Mexico is from twenty-two to twenty-five for one, and the price of labour is low, but the system of cultivation is rude and crops uncertain.

LAND AND COLONIZATION LAWS SINCE THE REVOLUTION.

The first act of the people of Texas relative to the lands, was the suspension of the functions of all commissioners, empresarios, surveyors, and all persons concerned in the location of land, by the General Convention, assembled in November, 1835. The land system thus suspended, was never resumed. From that period to the present, a new course of legislation has been adopted relative to the disposal of the public domain.

The grant of bounty lands to volunteers by the Consultation and Congress of Texas, has been noticed in the previous part of this work.

GENERAL LAND LAW.

On 12th Dec., 1837, the several acts relating to the establishment of a general land office, were reduced into one act, which provided for the establishment of a general land office, under the direction of an officer, styled the Commissioner-General of the Land Office. The department was

organized in such a manner as to give it efficiency; and all officers concerned in it, or created by the act, were expressly prohibited from directly or indirectly speculating in public lands, and their fees fixed by law.

A county surveyor for each county, elected by both houses of Congress, was provided for, and his duties defined, and fees fixed as follows:

His duties are to reside at the county seat, and appoint as many deputies as he may deem necessary; to receive and examine all field notes of surveys by his deputies, and certify the same, under his hand, to the Commissioner-General of the Land Office, and to record the same in his own book of record. His fees are—for inspecting field notes of a league and labor, 500 dollars; for inspecting field notes of one-third for ditto, 400 dollars; for inspecting field notes of any less quantity, 300 dollars. His books are always open for inspection, for a fee of 37½ cents. The deputies run the lines of any vacant land designated by claimants, and are entitled to a fee of three dollars for every lineal English mile actually run.

A Board of Land Commissioners for each county was organized, whose duty it was to investigate all claims on the government for head rights to land. The claimant may appear before the board, and take the following oath: "I do solemnly swear, that I was a resident citizen of Texas at the date of the Declaration of Independence; that I did not leave the country during the campaign of the spring of 1836, to avoid a participation in the struggle; that I did not refuse to participate in the war, and that I did not aid or assist the enemy; that I have not previously received a title to my quantum of land, and that I conceive myself justly entitled, under the Constitution and laws, to the quantity of land for which I now apply." He will be required, in addition to

the oath, to prove, by two or more credible witnesses, that he was a citizen of Texas at the date of the Declaration of Independence, and has continued there since; and also whether he was married or single at that date, and what amount of land he is entitled to by law.

Widows and orphans are not required to take the oath; but, in common with all others, must prove, as above stated, that the person whose estate they claim, or that the person of whom they purchased, is actually entitled to a grant from the government.

No purchaser of a head right is entitled to a grant unless he is a citizen of the Republic at the time of his application.

All claims having their origin previous to the Declaration of Independence, are subject to the same formalities and requisitions as any others.

Any person claiming under the Colonization Law of Coahuila and Texas, must prove, by two respectable witnesses, that he was a resident of Texas during the time the said law was in force; and such proof will entitle him to his quantity, according to the terms of the said law. (See Art. 22 of the State Colonization Law.)

Upon the taking of the oath, and the production of the requisite proof, the board issue a certificate, attested by their clerk, which authorizes the claimant to select his land out of any vacant land, and to order the surveyor to survey it for him.

Sec. 16 of the law provides for an appeal to the district court of the county in which the claimant may live, in case he deems himself aggrieved by the decision of the Board of Commissioners.

The board meet on the first Thursday of each month. Should that fall on a regular court day, then they meet on the Thursday thereafter. The fees of the board for the

granting of a certificate are five dollars, to be paid by the claimants.

When more than one application is made for the same tract of land, the settler or occupant has the preference if the claims of each applicant are otherwise equal. Persons who were in the country at the date of the Declaration of Independence, are preferred to others.

Patents for lands are to issue from the Commissioner-General of the Land Office for all lands surveyed before the suspension of the Land Office in 1835, upon the holder presenting the certificate of some Board of Land Commissioners, that his claim is correct, and upon his paying the several fees required by law.

In all other cases, patents shall issue from the General Land Office, and be sent to the President of the Board of Land Commissioners for the county where the land lies, by him to be delivered to the pantentees; and the patentees shall, in all cases, pay, as government fees, the prices fixed by the Colonization Law of Coahulia and Texas. (See Art. 22 of Colonization Law of Coahuila and Texas.) And if they emigrated subsequently to the second day of May, 1835, and previous to the Declaration of Independence, they shall pay the amount fixed by a law of the state of Coahuila and Texas, passed on that day.

Should two or more locations be made, or titles granted for the same piece of land, or should the boundaries conflict between different surveys, the oldest title or certificate takes precedence; and those of the later date, on proper showing of all the facts, and the certificate of a legal surveyor, procure new certificates for their quantity, or for so much as the decision of the line shall deprive them of.

The above are all the provisions of the law necessary to an understanding of the mode by which the emigrant obtains

his lands. The following sections of the law are all that relate to his rights:

Sec. 21. *Be it further enacted*, That all lands surveyed for individuals, lying on navigable water courses, shall front one-half of the square on the water course, and the line running at right angles with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit; and all others not on navigable water courses shall be square, if previous lines will permit; and, under no circumstances, shall any one grant be located in more than two surveys.

Sec. 22. *Be it further enacted*, That each and every individual under the age of seventeen, who has volunteered in the serivce of his country, and who has received an honourable discharge, shall be entitled to the same quantity of land, as a head right, that he would be if he were twenty-one years of age, and upon the same conditions.

Sec. 23. *Be it further enacted*, That all single men who were in the Republic at the date of the Declaration of Independence, and entitled under the Constitution to one-third of a league of land, and who have since married, or may within the next twelve months, shall be entitled to the additional quantity of two-thirds of a league and a labor of land—*provided*, that the benefits of this section shall only extend to those who have contributed to the support and defence of their country: *and provided*, this additional quantity shall not be allowed to any whose wife has received a league of land of this government.

Sec. 24. *Be it further enacted*, That whereas many persons have received titles under the Colonization Laws, as Colonists, from the different commissioners of the country, and whereas many conditions were by the law attached to such titles, that all such conditions be, and they are hereby cancelled, and the

titles to all such lands are hereby ratified and confirmed—*provided*, that such persons shall pay, or cause to be paid, to the President of the Board of Land Commissioners of the county where such land may be situated, within six months after the opening of the land office, all money which may be due or owing on the same: *provided*, that the condition of remaining in the country, and the prohibiting the sale to aliens, shall not be repealed by this law. *And further provided*, that no title by this act shall be confirmed which was illegal or invalid *ab initio*. *And further provided*, that this act shall not extend to any grantee or individual for a greater amount of land than one league and one labor.

Sec. 25. *Be it further enacted*, That no person shall, by virtue of an improvement, have a right to claim more than one league and one labor of land, and that improvement shall consist in the clearing and fencing, in a farmer-like manner, at least four acres; and this privilege shall not extend to any person or persons who have previously received a title to the quantum of land to which they were entitled, nor to any person or persons entitled to a grant of land by purchase.

Sec. 26. *Be it further enacted*, That it is hereby declared, that all empresarios' contracts having ceased on the day of the Declaration of Independence, all the vacant lands of Texas are the property of this Republic, and subject alone to the disposition of the government of the same.

Sec. 27. *Be it further enacted*, That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the President of the Republic of Texas, which suit or suits shall be tried in the county in which is situated the seat of government, and shall be tried as all other land suits are required to be tried. And should any empresario who should thus sue, fail to establish

the claim for which he sues, he shall pay all the costs of suit. *Provided*, that neither aliens nor the assignees of aliens shall be entitled to the benefits of this act.

Sec. 29. *Be it further enacted*, That every volunteer who arrived in this Republic after 2nd day of March, 1836, and before the 1st of August, 1836, and has received or may hereafter receive an honourable discharge, and has taken the oath prescribed by the constitution, or who may have died, shall receive the quantity of land by this act secured to original colonists. *Provided*, that the priority of location mentioned in the thirty-eighth section of this act shall be adhered to. *And further provided*, that none but the person who served, or his heirs, shall be entitled to the benefit of this provision, and all augmentation shall accrue to the original claimants, and not to the persons to whom it may have been transferred: *Provided*, no person who is entitled to the benefit of the first part of this section of this act, shall be entitled to the benefits of the latter part of the same. Every person who has arrived in this Republic since the Declaration of Independence, and previous to the 1st of October, 1837, who is a free white person and the head of a family, and who actually resides within the government with his famly, shall be entitled to a conditioned grant of twelve hundred and eighty acres of land, by paying the fees of office and of surveying. The conditions of the said grant shall be that both grantee and his or her family shall remain and reside within the Republic, and do and perform all the duties required of other like citizens, for the term of three years, after which time he or she shall receive an unconditional deed for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proved that all the conditions and provisions of the law have been complied with. And all single free white men who have emigrated to this Republic since the Declaration

of Independence, and previous to the 1st of October, 1837, shall be entitled to an additional quantity of six hundred and forty acres of land upon the same conditions as above named, and all laws contrary to the meaning and provisions of this section are hereby repealed.

During the first session of the third Congress, the duties of the Board of Land Commissioners were transferred to the charge of the officers composing the County Court of each county. Said court is composed of the Chief Justice, and any two magistrates of the county as associate judges. The clerk of the County Court is clerk of the Board.

All persons indebted to the Government on account of land, were authorised to pay to the Secretary of the Treasury, or the President of the Board of Land Commissioners for the county where the land might be situated. The Commissioner General of the Land Office is also authorised to receive public dues on lands, so that the patentee has his choice of three receivers—the Commissioner, the Secretary of the Treasury, or the President of the Board of Land Commissioners for the county where his land is situated.

By act of Congress, January 4, 1839, the benefit of head rights was extended to all emigrants who should arrive in the Republic before the first day of January, 1840, or who had arrived after the first of October, 1837. Every free white man, the head of a family, is entiled to 640 acres of land, on condition that he, with his family, shall reside permanently in the Republic three years; after which time, he or his legal representatives shall receive an unconditional deed from Government. He is forbidden to sell his claim; and should he sell, the sale is declared not valid or binding upon him. Every free white male of the age of seventeen and upwards, who shall have arrived within the time specified above, is entitled to 320 acres of land. All permanent citizens of

Texas, who may have arrived at the age above specified, are placed on the same footing. Officers and soldiers who were in the service of Texas before March 1, 1837, whose families may have arrived since then, or shall arrive before January 1, 1840, are entitled to the same quantity which they would have had had their families emigrated with them.

From the preceding abridgment of the laws affecting titles to land in the Republic of Texas, it will be perceived that there are already three distinct species of title:—the first—titles which are perfected, and consequently vested. These titles came from the Government of the State of Coahuila and Texas or its agents, and are indisputable except in cases of confiscation for treason during the revolution, as provided by the Consultation in Article 19 of the "Plan and Powers of the Provisional Government," which declares "all lands, or claims to land, held by those who leave the country to avoid participation in the present struggle, without permission from a judge or alcalde," forfeited to the use of the state.

The second species of titles are those emanating from the present Government to all who arrived in the country previous to the Declaration of Independence. Of these, some claim by virtue of the old colonization law, and others in virtue of the legislation of the Provisional Government. These titles are absolute, and in fee-simple.

The third species are those created by effect of laws passed since the revolution, extending head rights from time to time, subject to conditions. These titles, owing to the nature of the conditions, are not so valuable as others.

The emigrant who wishes to purchase of a citizen, will do well to purchase those of the first class—by this is generally understood all claims or titles originating before the date of the Declaration of Independence.

Of the second class of head rights, those created by section

29 of the General Land Law, in favour of those volunteers who arrived before the 1st of August, 1836, are unconditional, and equally as valuable as those of the first class.

There is still another class of rights or titles to land, viz., the land-scrip issued by Government.

On the 10th of December, 1836, the President was authorised and required to sign land scrip to the amount of 500,000 acres, to be transmitted to Thomas Toby, Esq., of New Orleans, for the purpose of being sold. The minimum price was 50 cents per acre.

On the 6th of December, 1836, land scrip, at the same price, was also granted to William Bryan, Esq., of New Orleans, with authority to sell a sufficient quantity to pay him for all liabilities which he had incurred on behalf of the Government.

On the 10th of December, 1836, an agency was established in Mobile, and David White, Esq., appointed an agent to sell land scrip, at the standard value of 50 cents per acre, to the amount of 100,000 dollars.

On the 3rd of June, 1837, land scrip was issued to James Erwin and others at 50 cents per acre, in payment of a loan made by them to the Government. This scrip gives an unconditional title to the holder, and it may be held by aliens.

On the 9th of June, 1837, an agent was appointed by the Government to settle with, and to receive the unsold scrip in the hands of the Government agents. Said agent was authorised to sell for cash at the minimum price.

On the 14th of December, 1837, the President was required by Congress to issue his proclamation recalling the agent for the sale of land scrip, and forbidding the further sale of said scrip. The proclamation was issued, and all sales made by agents after the receipt of the President's proclamation were declared null and void. No other scrip than that specified

as above ever issued from the Government; and no scrip of land companies, or any scrip excepting the above specified, is considered as of any value or as giving the least shadow of title to any part of the public domain.

Recapitulation of the various species of Titles.

1st. Titles emanating from, and perfected by the Government of the State of Coahuila and Texas. These titles are unconditional and absolute.

2nd. Titles emanating from the Government of the Republic of Texas, to emigrants who arrived in Texas previous to the Declaration of Independence, and to volunteers by way of bounty, and also the head rights under the old colonization laws, granted to volunteers who arrived in the country before the 1st of August, 1836; and the bounty lands granted to the heirs of deceased soldiers, who were in various actions. These are unconditional.

3rd. The head rights of colonists who have arrived in the country at various periods since the Declaration of Independence. These are subject to conditions which have already been considered.

4th. The titles to bounty lands issued to soldiers who were in various battles as heretofore mentioned. These are entailed on the original holder for life.

5th. The titles created by the issuing of Government scrip, which titles are absolute and unconditional.

TOWNS.—Speculation has named a large number of prospective towns in Texas, some destined to become peopled and prosperous, others to remain neglected or stationary. The following are the principal ones that

have been established, enumerated in geographical order from north-east to north-west:—

Clarksville—county seat of Red River county.

Shelbyville—on the Tenaha creek, county seat of Shelby county.

Milam—on the San Antonio road, between the Sabine and San Augustine—county seat of Sabine county.

Sabine, Belgrade, Salem, and Princeton—new towns on the Sabine river.

San Augustine is a considerable town, situated on the San Antonio road and the Ayish Bayou—seat of San Augustine county.

Nacogdoches—the old Spanish town sixty miles from the Sabine river—county seat of Nacogdoches county.

Teran, Bevil Port, Zavala, Jasper, Menard, and Beaumont—new towns on the Neches and its tributaries. Jasper is the seat of the county of the same name, and Beaumont of Jefferson county.

Sabine—at the mouth of the river of that name, has a custom-house.

Crockett—county seat of Houston county.

Liberty (county seat of Liberty county), *Swartwout, and Cincinnati, Franklin* (seat of Robertson county), *Geneva, Carolina, and Osceola*—on the Trinity. *Anahuac* at the mouth of the Trinity.

GALVESTON.—In 1836, there was hardly one arrival in a month of shipping at the port. In 1837, there were but seven houses on the island. In May, 1839, there were thirty sail of vessels in the harbour at one time; three steamers plying regularly between it and New Orleans, and the same number between it and Houston. A brig arrived from Boston (a voyage of 3,000 miles), with 150 tons of ice, to cool the

beverage of the citizens, and otherwise minister to their comfort. There were about 300 houses, sprinkled over a large surface, and a closely-packed population of more than 2,000 souls. Two wharfs were in progress, and a pier and mole commenced. The public buildings, which were, as might be expected, on a small scale, were a custom-house, court-house, gaol, commissariat and naval storehouse, market, magazine, armoury, arsenal, and hospital. Two hotels were in existence, and three in progress. There were three large warehouses and fifteen retail stores, six licensed taverns and coffeehouses, two printing offices, reading rooms, consul's, lawyers', doctors', notaries public, and magistrates' offices; druggists', confectioners', and fruit stores, bakeries, slaughter and oyster houses, and shops occupied by carpenters, masons, painters and glaziers, cement and wooden cistern makers, turners, cabinet makers, ship joiners and plumbers, sail makers and riggers, tin and sheet iron manufacturers, black-smiths, gun-smiths and armourers, watch and trinket menders, saddle and harness makers, cord-wainers, tailors, milliners and dressmakers, barbers; also boarding houses and private houses, and several lumber yards, replete with materials to build more.

As a fact illustrative of the "go-a-head" principle, I was informed that the timber of a frame-house, containing 20,000 dollars' worth of goods, had been growing in the State of Maine ninety days before.

Galveston had been selected by the French government as a point of mail communication between France and America. Two principal lines are to be opened, by steam vessels of 450-horse power, to communicate with the West Indies, Cuba, and Brazil; and these are to be continued by three secondary lines, with steamers of 220-horse power. The first to Mexico, touching at

Vera Cruz, Tampico, Galveston, and New Orleans. Galveston is the seat of county jurisdiction.

Boliver—on Point Bolivar, opposite Galveston.

Virginia, Austinia, San Leon, and New Washington—on the western shore of the Galveston Bay.

Lynchburg and Harrisburg—on Buffalo Bayou.

Houston (a county seat)—situated at the head of navigation, on Buffalo Bayou, contained about 5,000 inhabitants in 1839. Little more than two years before, it was not in existence.

Velasco and Quintana—at the mouth of the Brazos; towns of considerable importance and trade, and great places of resort during the summer.

Brazoria, Columbia, Richmond, San Felipe de Austin, and Washington—old towns on the Brazos, and places of trade for their respective vicinities. Brazoria, Richmond, Austin, and Washington are county seats.

Bolivar and Monticello—new towns on the Brazos; Bolivar is at the western termination of the Galveston bay and Brazos railroad.

Liverpool—on Chocolate Bayou; a central spot off the above-mentioned railroad.

Tenoxtitlan, Nashville, and Milam—on the Upper Brazos, at present inconsiderable towns. Nashville is a county seat.

Calhoun—a new town, recently laid off by the government, on the eastern end of Matagorda island.

Palacios and Austin—two new towns on Half-moon point of Matagorda bay. They have the advantage of good water and a secure harbour.

Matagorda—a considerable town at the mouth of the Colorado river. It has been a long time settled, and has a good trade with the surrounding country. It is the county seat.

Columbus, La Grange, and Colorado city—towns on the Colorado, at about the head of navigation. Columbus is a county seat.

Bastrop (a county seat)—on the Colorado, at the crossing of the San Antonio road, formerly known as the town of Mina. It is already of a respectable size.

Austin—on the Colorado, thirty-seven miles above Bastrop. Selected in April 1839 as the permanent seat of government. The site chosen by the commissioners has a front on the Colorado river exceeding three miles in breadth. It contains 7,735 acres of land, and cost the Republic 21,000 dollars, it being private property. Nearly the whole front is a "bluff," with an elevation of from thirty to forty feet—the termination of a prairie, comprising about 2,000 acres, composed of a sandy loam, intersected by two pure and perennial rivulets. About two miles distant from Austin are the mountainous breaks of the table lands, which are of limestone formation, and are covered to their summits with live oak and dwarf cedar. The site was chosen with a view to its commercial advantages. When a communication shall be opened between Santa Fe and the ports of Texas, and between the Red River country and Matamoros, Austin will form the point of intersection to the two lines. On the 2nd of May, 1839, an agent and workmen left Houston to lay off the city, and construct houses for the reception of the government at its new seat. In October, the executive removed thither, and the next session of Congress was held there.

I take the following extract from Bonnell's Topography of Texas, *a book published in Austin, in the month of April*, 1840:—

"The public buildings are not elegant, but very comfortable, and appropriate for a new government. Among them

the President's house stands conspicuous. It is situated upon a hill, and has a very commanding prospect over almost every portion of the city, and a view of the mountains, and the beautiful and picturesque country upon the west side of the river. The temporary capitol is situated upon another hill, about 300 yards from the President's house. It is a large one-story frame building, very commodious, and will answer all the purposes for which it was intended, until the government shall be able to erect a more elegant and costly building.

"Congress has passed a law for the erection of a fire-proof building for the use of the General Land Office and the State Department. It has been contracted for, and will doubtless be finished in the course of the summer.

"A large three-story brick hotel has been commenced, and is to be completed by the fall of 1840. The buildings are generally of a much better description than are usually built in new countries, and the improvement of the city has progressed with a rapidity heretofore unknown, even in this country. It contains about 400 houses and 1,200 inhabitants. A Presbyterian church has been commenced, and I understand the Methodists have one under contract. The city contains two newspapers.

"The Colorado opposite the city runs nearly east and west. Like the ancient city of Rome, Austin is built upon seven hills, and it is impossible to conceive of a more picturesque and lovely situation. The streets are generally composed of gravel, which effectually protects them from mud at all seasons of the year. The gravel is generally composed of silex: but agate and cornelian of the finest quality are found in great abundance about the city. Here also are found great varieties of marine shells, oysters, conch, and almost every variety which are found upon the sea shore."

Linville, Cox's Point, and Dimitt's Landing—new towns on the La Baca bay.

Texana—a considerable town near the junction of the La Baca and Navidad rivers. Texana is the seat of Jackson county.

Victoria and Gonzalez—on the Guadalupe river, are old towns. The latter was destroyed by the enemy during the war, but is still inhabited. Both are seats of county jurisdiction.

Seguin is a new town on the Guadalupe, above Gonzalez.

Goliad—a county town, on the San Antonio river.

San Antonio de Bexar—on the San Antonio river above the mouth of the Medina. A county seat.

Avoca—a new town at the head springs of the San Antonio river. The scenery around it is surpassingly beautiful.

Refugio—a county seat on a tributary of Aransas Bay.

Aransas—the port of entry for Aransas Bay, situated on Live Oak Point. This town is already one of much note, and has received a large share of public attention. It is very eligibly located, and has much trade with Mexico.

Lamar, Port Preston, and Copano—the two former are new towns on Aransas Bay, the first on Point Lookout and the second on Melon Bay, a small arm of Aransas Bay. Copano has long been a landing-place for goods destined for the interior.

San Patricio—the county seat on the Nueces.

Loredo—upon the left bank of the Rio Grande and at the crossing of the San Antonio and Saltillo road, contains about 600 inhabitants, almost entirely Mexicans. A road runs up the bank of the Rio Grande to Santa Fe, and there are a considerable number of Mexican villages along the line.

Santa Fe is the centre of an important trade between Mexico and the United States. It stands on a vast green plain within half a mile of the mountains, and the low, mud-built houses present at a distance the appearance of a cluster of mole-hills.

"In the centre of the town," says a late visitor of Santa Fe,

"is a square about 300 yards in extent, one side of which is occupied by public offices and military quarters, and the other three are used for shops for the sale of goods from the United States, which are chiefly vended by Americans.

"The apartments are of various lengths, but never exceeding twenty feet in width (the church alone is an exception), and across the walls from side to side are stretched sometimes good hewn timber, sometimes rude branches, according to the means of the builder. Over these is laid a thick covering of grass and straw, and, upon this, earth is piled from one to two feet deep, which forms the roof. A very pleasing effect is produced by the grass growing on the tops of the houses; and as all the dwellings are connected, it is not uncommon to see children chasing each other the whole length of a street along the house-tops.

"The interior of one of these mud-built houses, particularly when arranged with the assistance of American taste, forms a very comfortable, and by no means inelegant dwelling. In winter it is warm, in summer cool; and, in these respects, a Santa Fe dwelling is even preferable to an American brick or frame residence. In some of the better houses, you will find an apartment set apart as a parlour, this invariably being also the sleeping-room; during the day the beds are folded close up to the walls, and covered with the handsome (sometimes really beautiful) Spanish blankets, forming a succession of sofas all around the room. The walls are well whitewashed, and papered only high enough to keep the wash from rubbing off upon your clothes, while mats and sometimes blankets are made to serve the use of carpets as well as table-cloths and bed-covers. These blankets are the chief sign of wealth among the people, and their elegance and number form the pride of every housekeeper; the best of them are so closely woven that they can be used for holding water, and the bright

colours that never fade are mingled through them generally with very tasteful and ingenious disposition."

INCORPORATED TOWNS.—Galveston, Houston, San Antonio de Bexar, Matagorda, Austin, and other leading towns of Texas, are incorporated, according to the municipal system of the United States. The powers conceded to the local authorities are extensive. There are chambers of commerce in Galveston, Houston, and Matagorda.

The following rate of charges for transacting business was adopted by the Matagorda Chamber of Commerce on the 12th of November, 1839:—

	Dollars.
1. On all sales of foreign merchandise	7½ per ct.
2. On all sales of home produce	5 "
3. For guaranteeing sales	2½ "
4. On purchase and shipment of produce with funds in hand	2½ "
5. For collecting and remitting funds	5 "
6. Purchase or sale of vessel	2½ "
7. Procuring freights	5 "
8. Collecting freight bills	2½ "
9. Transacting vessel's business as agent, under fifty tons	20 "
Ditto, fifty tons and over	30 "
10. On all disbursements	2½ "
11. Cash advances on produce, with bill of lading	2½ "
12. For cash advances made on goods in possession, for freights, &c.	5 "
13. For storage on all goods consigned either for sale or forwarding—1st month	5 c. foot.

	Dollars.	
Ditto, 2nd month	2½	"
14. Commissions for receiving and forwarding goods	5 c.	"
15. Commission for receiving and shipping cotton	25 c.	bale.
16. All consignments of goods, wares, or merchandise, when withdrawn from the consignee, must pay full commission on advances, and responsibilities, and ½ per cent. on invoice value.		

Law and Medicine.—An act approved on the 26th of January, 1839, regulates the admission and practice of attorneys and counsellors-at-law. The profession is on the same footing generally as in the United States. The practitioner must be a citizen of the Republic, and make an open declaration on oath of fidelity to the Constitution and laws, and the interests of his clients.

"Any person wishing to obtain license to practice law shall make application to the Judge of a District Court, or to the Chief Justice of the Supreme Court, and on giving satisfactory and undoubted testimonials of good reputation for moral character and honest and honourable deportment, and that he is twenty-one years of age; if in vacation, the said Judge shall proceed to the examination of such applicant, and, on being satisfied of his legal attainments, the judge shall give to such applicant a certificate or licence, which shall expire at the next term of the court, at which time the said judge shall appoint three distinguished lawyers, who shall, on a day set by the court, proceed in open court to examine the said applicant, and on their satisfaction of his legal qualifications, any two of them shall, on the morning of the next day, return to the clerk a

certificate of the same; and thereupon the said judge shall order the clerk to give to said applicant a license under his hand and the seal of the court, to practise as an attorney and counsellor-at-law in all the courts of law and equity in this Republic."

Every person practising without a license, to forfeit 500 dollars for every cause he undertakes.

By an act of the 14th of December, 1837, the appointment of a board of Medical Censors was authorised, for regulating the practice of the profession in the Republic. The board was empowered to examine applicants and to grant licences upon satisfactory evidence of qualification. Single members of the board might grant temporary licences at a charge of 20 dollars each, until a meeting of the body afforded opportunity for examination. All moneys obtained for licences were to be appropriated as the board might deem proper.

The following scale of charges has been adopted by the Medical and Surgical Society of Houston:—

Rate of Charges for Professional Services in Practice.

When first called to a patient, the charge for one visit shall be five dollars.

For every succeeding visit, three dollars.

After nine o'clock, P. M., the charges for professional visits shall be doubled in all cases.

For visits out of the limits of the city, an extra charge of one dollar a mile during the day, and two dollars a mile at night.

For a visit on consultation, the sum of twenty dollars shall be charged. For advice and prescription in the office, five dollars.

For cases of such importance as to require the attendance of

the physician a considerable length of time, an extra charge of three dollars per hour shall be made for such detention.

For venesection, two dollars extra.

For the extraction of a tooth, two dollars extra.

For cupping, five dollars extra.

The more important operations of surgery shall be charged according to the danger and difficulty attending the operation.

When a visit is made to several individuals of the same family, a charge for only one visit shall be made, but an extra charge of one dollar for prescribing for each patient shall be allowed; provided, however, that when persons are not actual members of the family, but only in the employ, this deduction will not be made.

For medicines furnished by the physician, a charge of fifty cents for every dose shall be made.

Commercial Position and Prospects of Texas.

The geographical position of Texas is eminently favourable to the growth and extension of a profitable commerce. Its rivers and railway facilities will enable the traders and agriculturists of the interior to forward to the coast all their disposable articles cheaply and expeditiously, and, in addition to the European markets for cotton, peltries, and timber, they will have the United States, Mexico, Cuba, and the West Indies to consume every description of surplus produce.

Measures are now in progress for diverting the overland trade between the United States and Mexico to Texas; and these measures, which are of great importance to England, will certainly effect their object.

In the year 1825, the United States took the necessary steps for opening a trading communication between

St. Louis in Missouri and Santa Fé in New Mexico. At the latter place, the traders from the north of Mexico meet the traders from the United States, to make an exchange of commodities; the former purchasing the manufactured articles of the latter with valuable peltries and gold and silver; to which, in the case of Texas, horses and cattle would be added. A considerable amount of specie reaches the United States in this way. Almonte estimated the annual amount of this trade, in 1834, at above 2,000,000 of dollars. Its importance is evident from the rapid progress of St. Louis, at which the number of steam-boat arrivals in 1839 was 1589.

From St. Louis, in Missouri, to Santa Fé, the distance is 1,200 miles, over a bad road, amidst numerous tribes of predatory Indians, by whom the traders are frequently attacked and robbed. With the larger caravans, the United States' Government usually despatch an escort of cavalry: 200 dragoons were sent for the protection of one body of traders in 1839. Some of the goods are carried up the Missouri river to Independence, near the western frontier of the state of Missouri, whence they are conveyed to their destination overland: others are shipped to Van Buren, a town far up the Arkansas river, near the western line of the territory of Arkansas, from which there is a road to Santa Fé, about 800 miles in length.

There are two lines by which Texas can obtain the command of this trade—by opening one communication with Santa Fé, and another with the Presidio del Rio Grande. From Austin to Santa Fé, a road may easily be opened over a rich, rolling, well-watered country. There is already a road between Copano and San An-

tonio de Bexar, which only requires to be improved and continued to the Rio Grande, to secure an active trade with Durango and Chihuahua. The traffic would, in a few years, attain a magnitude that would justify the investment of capital in railways. In the mean time, available roads may be opened at a trifling expense, such being the face of the country, except in the mountainous districts, that little more is necessary than to mark the line of route, establish ferries, and throw bridges over the smaller streams.

The greater part of the goods for this trade are purchased in Philadelphia, thence transported over land to Pittsburgh, shipped thence by steam-boat for St. Louis, thence conveyed in waggons to Santa Fé, where, to realise a profit, they must be sold at enormous prices. When Texas is in possession of the traffic, the requisite manufacturers will be shipped to her ports in European vessels; thus securing lucrative employment to the ship-owners, merchants, and manufacturers of Europe. The French have made tempting overtures to the Texan Government, on condition of obtaining exclusive privileges in the trade, while people in this country are echoing the calumnies of the pro-tariff States of the American Union against Texas, and denouncing her attempts to raise the funds necessary to restore her depreciated currency, the direct effect of which restoration would be to open a new and highly productive field of enterprise to the capital and operative industry of Britain.

Unless the grossest folly should govern the movements of both, the enjoyment of peace and prosperity by Texas will be productive of the most signal benefits to Mexico

and England. The energies of an enlightened people will show the Mexicans the value of the gifts which Nature has lavished upon their soil; by position and example that people will rescue them from the consequence of a barbarous policy; and English manufactories—with the principles of free trade predominant—will supply untaxed clothing for the naked millions that have pined in hopeless indigence since the days of Cortez.

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APPENDIX.—No. I.

THE CONSTITUTION OF THE MEXICAN UNITED STATES

THE Supreme Executive Power, provisionally appointed by the general Sovereign Congress of the Nation, to all who shall see these presents, *Know, and understand,* That the same Congress has decreed and sanctioned the following

FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of God, all powerful, Author and supreme Legislator of society. The general constituent Congress of the Mexican Nation, in the discharge of the duties confided to them by their constituents, in order to establish and fix its political Independence, establish and confirm its Liberty, and promote its prosperity and glory, decree as follows:—

CONSTITUTION OF THE UNITED MEXICAN STATES.

TITLE 1st. ONLY SECTION.—*Of the Mexican Nation, its Territory and Religion.*

ARTICLE 1. The Mexican Nation is for ever free and independent of the Spanish Government, and every other power.

2. Its Territory consists of that which was formerly called the vice-royalty of New Spain, that styled the captain generalship of Tucaton, that of the commandant generalship formerly called the Internal Provinces of East and West, and that of Lower and Upper California, with the lands annexed, and ad-

jacent islands in both seas. By a constitutional law, a demarcation of the limits of the Federation will be made as soon as circumstances will permit.

3. The Religion of the Mexican Nation is, and will be perpetually, the Roman Catholic Apostolic. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever.

TITLE 2nd. ONLY SECTION.—*Form of Government of the Nation, of its integral parts and division of Supreme Power.*

4. The Mexican Nation adopts for its Government the form of Republican representative, popular Federal.

5. The parts of this Federation are the States and Territories as follows, &c:—

6. The supreme power of the Federation will be divided, for its exercise, into Legislative, Executive, and Judicial.

TITLE 3rd. SECTION 1st.—*Legislative Power, of its nature and mode of exercising it.*

7. The legislative power of the Federation shall be disposed in a General Congress; this is to be divided into two houses, one of Deputies (Representatives), and the other of Senators.

SECTION 2nd.—*Of the House of Representatives.*

8. The House of Representatives shall be composed of representatives elected totally every two years, by the citizens of the States.

9. The qualifications of the electors shall be constitutionally prescribed by the Legislatures of the States; to whom, likewise, appertains the regulation of the elections, in conformity with the principles established by this Constitution.

10. The general basis for the appointment of representatives shall be the population.

11. For every 80,000 souls one representative shall be appointed, or for a fraction which passes 40,000. The State

which may not contain this population shall, notwithstanding, appoint one representative.

12. A census of the whole Federation, which shall be formed in five years and renewed every ten, shall serve to designate the number of Deputies corresponding to each State; and in the mean time it shall be regulated agreeably to the basis established in the former Article, by the census which governed in the election of Deputies in the present Congress.

13. In the same manner shall be elected in each State the necessary number of supernumerary representatives, in the ratio of one for every three full representatives, or for a fraction amounting to two; the States which may contain less than three full representatives shall elect one supernumerary.

14. The Territory which may contain more than 40,000 inhabitants shall appoint a full representative and one supernumerary, who shall have a voice and vote in the formation of laws and decrees.

15. The Territory which may not contain the foregoing number of population shall appoint one full representative and one supernumerary, who shall be entitled to a voice in all matters. The election of Representatives for the Territories shall be regulated by a special law.

16. In every State and Territory of the Federation, the appointment of Representatives shall be made on the first Sunday in October previous to its renovation. The election to be indirect.

17. The election of Representatives concluded, the electoral College shall remit through their President to the Council of Government a legal return of the election, and notify the elected of their appointment by an official letter, which shall serve as a credential of election.

18. The President of the Council of Government shall give to the returns, referred to in the preceding Article, the direction prescribed by the regulations of said Council.

19. To be a Representative it is required—First, To be at the time of the election, twenty-five years of age, com-

plete. Second, to have been a resident of the State, from which elected, at least two years, or born in the State, although a resident in another.

20. Those not born in the Territory of the Mexican Nation, to be Representatives, must have, besides eight years' residence in it, 8000 dollars of real estate in any part of the Republic, or an occupation that produces them 1000 dollars per year.

21. Exceptions to the foregoing Article—First, Those born in any other part of America, that in 1810 appertained to Spain, and has not united itself to another nation, nor remains subject to the former, to whom three years' residence in the Territory of the Federation is sufficient, in addition to the requisites prescribed in the 19th Article. Second, for the military not born in the Territory of the Republic, who, with arms, sustained the independence of the country, eight years' residence, complete, is sufficient, and the requisites prescribed in the 19th Article.

22. In the election of Representatives, actual residence shall have preference over birth and non-residence.

23. Those cannot be Representatives—First, Those deprived or suspended from the rights of citizenship. Second, The President and Vice-President of the Federation. Third, The members of the Supreme Judicial Court. Fourth, Secretaries of the Cabinet and the officers of their departments. Fifth, Those employed in the Treasury, whose functions extend over the whole Federation. Sixth, Governors of States and Territories, Commandant Generals, Archbishops and Bishops, Governors of Archbishoprics and Bishoprics, Provisors and Vicar Generals, Circuit Judges, Commissary Generals of treasury and war, for the States and Territories over which they exercise their functions.

24. In order that any persons enumerated in the foregoing Article may be eligible, it is necessary they should have ceased their functions six months previous to their election.

Section 3d.—*Of the Senate.*

25. The Senate shall be composed of two Senators from each State, elected by an absolute majority of the votes of the

Legislatures, and renewed by one-half every two years.

26. The seats of the Senators appointed in the second place, shall be vacated in two years, and the first appointed in four years, and so on in succession.

27. When a vacancy occurs by death, resignation, or other cause, it shall be filled by the corresponding Legislature in session; if not, as soon as it meets.

28. To be a Senator, it is necessary to possess all the qualifications required by the former Section to be a Representative, and moreover, to be at the time of election thirty years of age.

29. No person can be a Senator who is disqualified from being a Representative.

30. In the election of Senators, the 22d Article shall also govern.

31. When the same individual is elected for a Senator and Representative, the first election shall have the preference.

32. The periodical election of Senators shall be made in all the States on the same day, which shall be the first day of September previous to the renewal of half the Senators.

33. The election of Senators concluded, the Legislature shall remit a legal return through their President to the President of the Council of Government; and notify the elected of their appointment, by means of an official letter, which shall serve them as credentials. The President of the Council of Government shall give the direction to these returns, indicated in the 18th Article.

SECTION 4th.—*Of the Individual Functions of both Houses, and Prerogatives of their Members.*

34. Each House in its preparatory meeting, and in every thing appertaining to its government, shall follow the rule formed by the present Congress; provided that amendments may be made to them in future, should both Houses consider it necessary.

35. Each House shall judge of the elections of its respective members, and resolve all doubts which may occur in them.

36. The Houses cannot open their sessions without the

presence of more than the half of the total number of their members; but those present of one and the other must unite on the day appointed for the regulation of the internal government of each, and respectively compel the attendance of the absentees, under the penalties prescribed by the law.

37. The Houses will communicate with one another, and with the Supreme Executive Power, by means of their respective Secretaries, or by means of deputations.

38. Either of the two Houses may sit as Grand Jurors, on accusations. First, against the President of the Federation, for the crime of Treason against the National Independence or the established form of Government, or for subornation or bribery during the time of his service. Second, also, against the President, for acts manifestly intended to impede the election of President, Senators, or Representatives, or to prevent them from entering on the exercise of their duties in the manner prescribed in this Constitution, or to deprive the Chambers of the use of any of the powers constitutionally vested in them. Third, against the members of the Supreme Court and the Secretaries of the departments, for any crime committed during the time of their service. Fourth, against the Governors of the States, for infractions on the Federal Constitution, laws of the Union, or orders of the President of the Federation, which may not be manifestly contrary to the Constitution and general laws of the Union, and likewise by the publication of laws and decrees of the Legislatures of their respective States, contrary to the same constitution and laws.

39. The House of Representatives will exclusively form a Grand Jury, when the President or his ministers may be accused of acts in which the Senate or the Council of Government have concurred by reason of its attributions. The House will, in the same manner, serve as a Grand Jury, in cases of accusation against the Vice-President for any offence committed during the term of his service.

40. The House, before which has been made the accusations of the individual spoken of in the two preceding articles, will form itself in a Grand Jury; and if it is declared, by

the vote of two-thirds of the members present, that there is cause of accusation, the functions of the accused shall be suspended, and he shall be placed at the disposition of the competent tribunal.

41. Any Representative or Senator can make any propositions in writing, or present projects of a law or decree in his respective chamber.

42. The Representatives and Senators shall be inviolable for the opinions manifested in the discharge of their duties, and never can be called to account for them.

43. In all criminal prosecutions instituted against Senators or Representatives, from the time of their election until two months after the expiration of their term of service, the former shall be accused before the Chamber of the latter, and the latter before that of the former; each Chamber composing a Grand Jury respectively for this object.

44. If the Chamber sitting as a Grand Jury, in the cases referred to in the last Article, declare by a vote of two-thirds of the members present, that there is cause for accusation, the accused shall be suspended, and placed at the disposition of the competent tribunal.

45. The emoluments of the Representatives and Senators shall be determined by law, and paid from the general treasury of the Federation.

46. Each House, and also the meetings spoken of in the 36th Article, shall have power to deliver such orders as they may deem necessary to carry their resolutions into effect, issued by virtue of the functions granted to each by the 35th, 36th, 39th, 40th, 44th, and 45th Articles of the Constitution, and the President of the United States shall cause them to be executed without making any observations upon them.

SECTION 5.—*Of the Faculties of the General Congress.*

47. Every resolution of the general Congress shall have the character of a law or decree.

48. The resolutions of the general Congress, to be entitled to the force of law or decree, must be signed by the

President, except in cases otherwise provided in this Constitution.

49. The laws and decrees which emanate from the general Congress shall have for object—First, to sustain the National Independence, and provide for the national security and preservation of its exterior relations. Second, to preserve the Federal Union of the States, and the peace and public order of the interior of the Federation. Third, to maintain the independence of the States amongst themselves, in all that relates to their interior government, in conformity to the Constitutional Act, and this Constitution. Fourth, to sustain the proportional equality of obligations and rights, which the States are entitled to before the law.

50. The exclusive faculties of the general Congress are the following:—First, promote education, assuring for a limited time exclusive rights to authors for their respective works; establishing Colleges for marine, artillery, and engineers; erecting one or more establishments in which are to be taught natural, political, and moral sciences, noble arts, and the languages, without prejudice to the power which the Legislatures have to regulate public education in their respective States. Second, promote the general prosperity, by opening and improving roads and canals, without impeding the States in the improvement of theirs; establishing mails and post-offices, and securing for a limited time exclusive right to the inventors, improvers, or introducers of any branch of industry, for their respective inventions, improvements, or new introductions. Third, protect and regulate the political liberty of the press, in order that its exercise may never be suspended, and much less abolished, in any of the States and Territories of the Federation. Fourth, admit new States to the Federal Union or Territories, incorporating them in the Nation. Fifth, regulate definitely the limits of the States, when they cannot agree among themselves about the demarcation of their respective districts. Sixth, form States out of Territories, or unite them to those already existing. Seventh, unite two or more States, by a petition of their Legislatures, to form one only, or form a new one from

the limits of those that already exist, with the approbation of three-fourths of the members present of both Houses, and a ratification of an equal number of the Legislatures of the other States of the Union. Eighth, fix the general expenses, establish the necessary contributions to cover them, regulate their collection, determine the inversion, and take annually accounts thereof from the Government. Ninth, contract debts upon the credit of the Federation, and designate guarantees to cover them. Tenth, acknowledge the National debt, and designate means for its consolidation and payment. Eleventh, regulate the commerce with foreign nations, and among the different states and tribes of Indians. Twelfth, give instructions to celebrate covenants with the Apostolic Chair, approve them for their ratification, and regulate the exercise of the patronage in all parts of the Nation. Thirteenth, approve treaties of peace, alliance, friendship, federation, armed neutrality, and whatsoever others which the President of the United States may celebrate with foreign powers. Fourteenth, to establish all kinds of ports, custom-houses, and designate their locations. Fifteenth, determine and regulate the weight, standard, value, type, and denomination of money in all the States of the Federation, and adopt a general system of weights and measures. Sixteenth, declare war after examining the data prescribed by the President of the United States. Seventeenth, form regulations relative to granting letters of marque and reprisal, and to declare good or bad captures by sea and land. Eighteenth, designate the armed force of sea and land, fix the respective quota of men to each State, and give orders and regulations for their organization and service. Nineteenth, form regulations to organize, arm, and discipline the local militia of the State, reserving to each one the appointment of their respective officers, and the faculty of training them conformably to the discipline prescribed by said regulations. Twentieth, to grant or deny the entrance of foreign troops into the Territory of the Federation. Twenty-first, permit or not the station of squadrons of any other power, for more than one month, in the Mexican ports. Twenty-second, permit or not the departure of

National troops without the limits of the Federation. Twenty-third, create or suppress public offices of the Federation, designate, augment or diminish their emoluments and pensions. Twenty-fourth, grant premiums and recompenses to corporations or persons who have rendered important services to the Republic, and decree public honours to the posthumous memory of great men. Twenty-fifth, grant amnesty or pardon for crimes, the cognizance of which appertains to the tribunal of the Federation, in the cases and with the previous requirements prescribed by law. Twenty-sixth, to establish a general law of naturalization. Twenty-seventh, to give uniform laws in every State on the subject of bankruptcies. Twenty-eighth, to select a place to serve as a residence for the Supreme Powers of the Federation, and exercise within its limits the attributions of the legislative powers of the State. Twenty-ninth, to change such residence when they may deem it necessary. Thirtieth, give laws and decrees for the regulation of the interior administration of the Territories. Thirty-first, dictate all the laws and decrees that may be conducive to fulfil the object spoken of in the 49th Article, without interfering with the interior administration of the State.

Section 6th.—*Formation of the Laws.*

51. The formation of laws and decrees can proceed indiscriminately from either of the two Houses, with the exception of those which arise from contributions or imposts, which cannot have origin except in the House of Representatives.

52. There shall be considered as incipients of law or decree —First, the propositions which the President of the United Mexican States may deem conducive to the general good of society, and as such, particularly recommend them to the House of Representatives. Second, the propositions or plans of laws or decrees which the Legislatures may direct to either House.

53. All projects of a law or decree, without any exception, shall be successively discussed in both Houses, observ-

ing in each with exactitude the rules relative to the form of debates, interval and mode of proceeding in discussing and voting.

54. The projects of a law or decree rejected in the House where it originated, before being sent to the other House, shall not be renewed in the same House by its members in the sessions of that year, but must remain until the following year.

55. If the project of a law or decree, after having been debated, should be approved by the absolute majority of the members present of both Houses, it shall be passed to the President of the United States, who also, if he approve it, shall sign and publish it, and if not, return it, with his observations, within the term of ten days (Sundays and solemn festivals excepted), to the House of its origin.

56. The project of a law or decree, returned by the President in conformity with the preceding Article, shall be a second time discussed in the two Houses. If in both of these it should be approved by two-thirds of the members present, it shall be again returned to the President, who, without excuse, must sign and publish it; but if it was not approved by the vote of two-thirds of both Houses, it cannot be renewed in either of them until the next year.

57. If the President does not return any project of a law or decree within the time prescribed in the 55th Article, it shall, from that circumstance, be considered as sanctioned, and as such shall be promulgated, unless in the mean time the session of Congress should be closed or suspended, in which case the return must be made on the first day in which Congress shall be re-assembled.

58. The project of a law or decree, totally rejected for the first time by the House to which it has been sent, shall be returned with their observations to the one in which it originated: if after a re-examination the said House shall again approve of it by a vote of two-thirds of the members present, it shall be sent a second time to the House that rejected it, who cannot a second time reject it without the concurrence of two-thirds of the members present.

59. The projects of a law or decree, approved of after a second revision by two-thirds of the members of the House where it originated, and not rejected by two-thirds of the members of the other House, shall be sent to the President, who shall sign and publish it, or return it within ten days (Sundays, &c. excepted) to the House where it originated, with his observations.

60. The project of a law or decree, which, according to the foregoing Article, the President returned to the House of its origin, shall be again taken into consideration, and if this approve it by a vote of two-thirds of the members present, and the revising body does not reject, by an equal number of its members, it shall be returned to the President, who must publish it. But if it was not approved by the vote of two-thirds of the House of its origin, or was rejected by an equal number of the revising body, it cannot be renewed until the ordinary subsequent sessions.

61. In the event of the rejection a second time of the revising body, in conformity with the 58th Article, the project shall be considered rejected, and cannot be reconsidered until the following year.

62. In the amendments which the revising body make to any project of a law or decree, there shall be observed the same formalities required before the project of a law can be sent to the President.

63. The parts of a project of a law or decree rejected for the first time by the revising body, shall take the same course as those totally rejected by it for the first time.

64. In the interpretation, modification, or revocation of the laws or decrees, the same requisites shall be observed which are prescribed for their formation.

65. All resolutions of the general Congress communicated to the President of the Republic, must be signed by the President of both Houses and by a Secretary of each of them.

66. For the formation of every law or decree, it is necessary that an absolute majority of all the members of each House should be present in their respective Houses.

SECTION 7th.—*Of the time, duration, and place of the Sessions of the General Congress.*

67. The General Congress shall meet every year on the first day of January at the place designated by law; its internal rules shall prescribe the previous forms necessary at the opening of its sessions, and the formalities which are to be observed at its installation.

68. The President of the Federation shall assist at the installation, and pronounce a discourse analogous to this important act, and the person who presides in Congress shall answer it in general terms.

69. The ordinary sessions of Congress shall be daily, without any other interruption than that of the days of solemn festival; and in order to adjourn for more than three days, the consent of both Houses shall be necessary.

70. Both Houses shall reside in the same place, and cannot move to another, without first agreeing on the removal, the time and manner of effecting it, designating the same point, for the reunion of one and the other. But if they agree on a removal, and differ as to the time, mode, and place, the President of the States shall determine the difference, electing one of those in question.

71. The Congress shall close its sessions annually on the 15th day of April, with the same formalities as are prescribed for its opening, proroguing the session thirty days (Sundays and solemn festivals excepted) when they may deem it necessary, or when the President of the Federation requires it.

72. When the General Congress is assembled for extraordinary sessions, it shall be formed of the same Representatives and Senators as the ordinary sessions of that year and shall occupy itself exclusively on the object or objects for which it was convened; but if these should not be completed on the day in which the ordinary sessions are to commence, the extraordinary sessions shall cease, and the subject pending shall be determined by Congress in said ordinary sessions.

73. The resolutions that the Congress takes relative to the removal, suspension, or prorogation of their sessions, agreeably

to the three preceding Articles, shall be communicated to the President, who shall cause them to be executed without making any observations upon them.

Title 4th. Section 1st.—*Of the Supreme Executive Power of the Nation.*

74. The supreme executive power of the Federation shall be deposited in one individual, who shall be styled *President of the United Mexican States.*

75. There shall likewise be a Vice-President, on whom will devolve the faculties and prerogatives of the President, in case of his physical or moral inability to serve.

76. To be President or Vice-President, it is required to be a Mexican citizen by birth, thirty-five years of age at the time of the election, and to be a resident in the country.

77. The President cannot be re-elected for this office until after four years are passed from the time of his retirement.

78. He that is elected President or Vice President of the Republic, shall accept these offices in preference to any others.

79. The first day of September, anterior to the year in which the new President must enter on the exercise of his duties, the Legislatures of each, state shall elect by an absolute majority of votes two individuals, one of which, at least, must not be a native of the State that elects.

80. The voting concluded, the Legislatures shall remit to the President of the Council of Government, a legal return of the election, in order that he may give it the course designated by the rules of the Council.

81. The sixth of January afterwards, the said returns shall be read in presence of both Houses united, provided those of three-fourths of the Legislatures of the States have been received.

82. The reading of the said returns concluded, the Senators shall retire, and a committee appointed by the House of Representatives, and composed of one for each State of those that have representatives present, shall revise them and render an account of the result.

83. The House shall then proceed to class the elections and enumerate the votes.

84. He who has an absolute majority of the votes of all the Legislatures shall be the President.

85. If two should have said majority, he shall be President who has the most votes, and the other the Vice President. In case of a tie with said majority, the House of Representatives shall elect one of the two for President and the other shall be Vice President.

86. If no one should have the absolute majority of the votes of the Legislatures, the House of Representatives shall elect the President and Vice President, choosing in each election, one of the two who had the greatest number of suffrages.

87. When more than two individuals have a respective majority and equal number of votes, the House shall choose from them the President or Vice President as the case may be.

88. If one has received the respective majority, and two or more have an equal number of suffrages, but greater than the others, the House shall elect from among those who have the greatest number of votes.

89. If all have an equal number of votes, the House shall elect from among them all the President and Vice President, doing the same when one has a number of suffrages and the others an equal number.

90. If there should be a tie upon the voting of the classing of the elections made by the Legislatures, the vote shall be repeated once, and if it should result in a tie, shall decide it by lot.

91. In the competitions between three or more that have an equal number of votes, the voting shall be directed to the reduction of the competitors to two or one, in order that in the election he may contend with the other, that may have obtained a relative majority over all the others.

92. For a general rule in voting relative to the election of President and Vice President, they shall not refer to lots before having made a second vote.

93. The voting on classifications of elections made by the Legislatures, and on those made by the House of Represen-

tatives for President and Vice President, shall be made by States, the representation of each one having a single vote, and in order that there may be a decision in the House, it must contain an absolute majority of the votes.

94. In order to deliberate on the objects contained in the foregoing Article, there must be united in the House more than the half of the total number of its members, and be present representatives from three-fourths of the States.

SECTION 2d.—*Duration of the office of President and Vice President, manner of filling the vacancies of both and their oath.*

95. The President and Vice President of the Federation shall enter upon the discharge of their duties on the first of April, and shall be replaced precisely on the same day every four years by a new constitutional election.

96. If for any motive, the elections of President and Vice-President are not made and published by the first of April, when they ought to take their seats, or those elected should not immediately enter upon the discharge of their duties, nevertheless, the former ones shall go out of office the same day, and the supreme executive power shall be deposited, provisionally, in a President, that shall be elected by the House of Representatives, voting by States.

97. In case the President should be indisposed, then the provisions in the preceding Article shall have effect, and if both should be at the same time, and Congress not being in session, the supreme Executive Power shall be deposited in the hands of the Chief Justice of the Supreme Court, and two individuals that shall be elected by an absolute plurality of votes by the Council of Government; these are not to be members of the general Congress, and are to have the qualities requisite to be a President of the Federation.

98. Until the elections are made to which the preceding Articles allude, the Chief Justice of the Supreme Court shall be charged with the Supreme Executive Power.

99. In case of the perpetual inability of the President and Vice President to serve, Congress, or in its recess, the Council

of Government, will respectively provide according to Articles 96 and 97, and so dispose that the Legislatures proceed to the election of President and Vice-President, according to the forms prescribed by the Constitution.

100. The elections of President and Vice President, made by the Legislatures in consequence of the perpetual inability of those to serve who had been elected for these offices, shall not impede the ordinary elections the first of September every four years.

101. The President and Vice President newly elected, must be on the first day of April, in the place where the supreme powers of the Federation reside; and before both Houses assembled, swear to observe the duties imposed on them under the following form:—

"I, N—, Elected President (or Vice President) of the United Mexican States, swear before God and the Holy Evangelists, that I will exercise faithfully the charge the same U. S. have confided in me, and that I will keep, and cause to be kept exactly, the Constitution and general laws of the Federation."

102. If neither the President or Vice President present themselves to swear as the preceding Article provides, and the sessions of Congress being open, they shall swear before the Council of Government as soon as each one presents himself.

103. If the Vice President takes the oath prescribed in Article 101, before the President, he shall enter immediately on the discharge of the duties of President until he shall have sworn.

104. The President and Vice President constitutionally appointed according to Article 99, and those individuals provisionally appointed to exercise the charge of President, according to Articles 96 an 97, shall be sworn as prescribed in Article 101, before both Houses, if assembled, if not, before the Council of Government.

Section 3d.—*Of the prerogatives of the President and Vice President.*

105. The President has the power to lay before Congress

such propositions or amendments of laws as he may deem conducive of the general good, directing them to the house of Representatives.

106. The President has the power once in the space of ten days (Sundays and solemn festivals excepted) to make observations upon the laws and decrees passed to him by Congress, suspending their publication until the resolution of Congress, except in the cases mentioned in this Constitution.

107. The President, during the time of his administration, cannot be accused, except before either of the Houses, and only in crimes alluded to in Article 38, committed in the time therein expressed.

108. Within one year from the day on which the President ceases his functions, he cannot be accused except before one of the Houses for crimes alluded to in Article 38, or any others committed during the term of his administration, after this he cannot be accused for those crimes.

109. The Vice President, during the four years of his administration, cannot be accused except before the House of Representatives, for whatever crime he commits during the time of his administration.

Section 4th.—*Attributions of the President and the restrictions of his faculties.*

110. The attributions of the President are the following: First, to publish, circulate, and cause to be kept the laws and decrees of the general Congress. Second, to give rules, and decrees, and orders for the better observance of the Constitution, constitutional act and general laws. Third, to put into execution the laws and decrees directed to preserve the integrity of the Federation, and to sustain its independence in its exterior, together with its union and liberty in its interior. Fourth, to name and remove freely, Secretaries of the departments. Fifth, to direct the collection of, and decree the inversion of general contributions agreeably to the laws. Sixth, to name the officers of the Treasury department, and those of the commissary generals, diplomatic ministers, and consuls, colonels and other superior officers of the permanent army,

active militia and navy, with the approbation of the Senate, and should it not be in session, with the Council of Government. Seventh, to name all other officers of the permanent army, navy, and active militia, and officers of the Federation, conformably to the laws. Eighth, to appoint, after previous recommendation from the Supreme Court, Judges and Attorney Generals of the circuit and district. Ninth, to grant discharges and licenses, and regulate military pensions according to law. Tenth, to dispose of the permanent armed force by sea and land, and the active miltia for the security of the interior and defence of the exterior of the Federation. Eleventh, to dispose of the local militia for the same purposes, but to take them out of their respective States or Territories, it will require the previous consent of Congress, who will also designate the force necessary. Should Congress not be assembled, the consent of the Council of Government will be necessary, and who will also designate the number. Twelfth, to declare war in the name of the United Mexican States, after a previous decree of Congress to that effect, and to grant commissions to privateers in conformity with the laws. Thirteenth, to celebrate covenants with the Apostolic Chair, as designated in clause 12th of Article 50. Fourteenth, to direct diplomatic negociations, and to celebrate treaties of peace, amity, alliance, truce, federation, armed neutrality, commerce, and all others, but to give or deny the ratification of any of them, requires the approbation of the general Congress. Fifteenth, to receive ministers and other envoys from foreign nations. Sixteenth, to request Congress to prorogue their sessions for thirty days, (Sundays, &c. excepted.) Seventeenth, to assemble Congress for extraordinary sessions, as he may deem the case necessary, by the consent of two-thirds of the Council of Government present. Eighteenth, also to assemble an extraordinary session of Congress, when the Council of Government shall deem it necessary, and the vote of two-thirds of the members present is given to that effect. Nineteenth, to see that justice is promptly and impartially administered by the Supreme Courts, Tribunals, and inferior courts of the Federation, and that their sentences be executed according to

law. Twentieth, to suspend from their employments, for the space of three months, and deprive one-half of their pay for the same time, all officers belonging to the Federation, violaters of its orders and decrees; and should there be cause for a prosecution against such officers, he shall place the subject before its proper tribunal. Twenty-first, to grant the passage, or retain the decrees of the Ecclesiastical Councils, Pontifical Bulls, Briefs and Rescripts, with the consent of the general Congress, if they contain general dispositions to be laid before the Senate, or in its recess, before the Council of Government, if containing governmental business, and before the Supreme Court of Justice, if it is a subject of litigation.

111. The President, in publishing laws and decrees, shall use the following form: "The President of the United Mexican States, to the inhabitants of the Republic. *Know*, that the general Congress have decreed the following: (here the subject:) Therefore, I command that it be printed, published, and circulated, and that due compliance be given it."

112. The restrictions of the faculties of the President are the following: First, the President cannot take command of the forces by sea or land in person, without the previous consent of the general Congress, or should it not be in session, without the Council of Government, by a vote of two-thirds of the members present. When he takes the command with these requisites, the Vice-President shall administer the Government. Second, the President has not the right to deprive any one of his liberty, nor inflict punishment on any individual; but when the safety of the Federation requires it, he can arrest any person, provided he places the person arrested, within forty-eight hours, at the disposition of the competent judge or tribunal. Third, the President cannot occupy the property of any individual or corporation, or disturb the possession, use, or benefit of it; and should it be necessary for the public good, to take the property of any individual or corporation, it will require the approbation of the Senate, or in its recess, the approbation of the Council of Government, indemnifying the party interested, by the decision of men chosen by the party and the Government. Fourth, the President cannot impede

the elections and other acts expressed in the last clause of the 38th Article. Fifth, the President or Vice President cannot leave the territory of the Republic without the consent of Congress, during the discharge of their duties, and for one year after they retire from office.

SECTION 5th.—*Of the Council of Government.*

113. During the recess of Congress there shall be a Council of Government, composed of one-half of the members of the Senate, one for each State.

114. For the first two years, this Council of Government shall be composed of the first members elected by their respective legislatures, and the succeeding year by the oldest members.

115. This Council shall have for President, the Vice-President of the United States, and also have the power to elect a President *pro tem.* to fill the vacancy occasioned by the absence of the other.

116. The attributions of this Council are the following: First, to see that the Constitution is strictly observed, and the constitutional act, and general laws, and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive to the better enforcement of the Constitution and laws of the Union. Third, to determine of themselves only, the advice of the President, and the calling of extraordinary sessions of Congress; but in either, it shall require the vote of two-thirds of the counsellors present, as stated in attributions 17 and 18 of Article 110. Fourth, to grant their consent to the calling out of the local militia, in the manner stated in Article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution six of Article 110. Sixth, to give their consent in the case referred to in Article 112, restriction first. Seventh, to name two individuals who shall, in conjunction with the Chief Justice of the Supreme Court, provisionally exercise the Supreme executive power, as prescribed in Article 97. Eighth, to administer the oath stated in Article 101, to those individuals of the Supreme executive power, in

the terms provided in this Constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of Article 110, and all business wherein he may consult them.

SECTION 6th.—*Of the despatch of Government business.*

117. For the despatch of government business of the Republic, there shall be the number of Secretaries of State which Congress by a law may establish.

118. All the regulations, decrees, and orders of the President, must be signed by the Secretary of State of the departments to which the subject belongs, and without this prerequisite they shall not be obeyed.

119. The Secretaries of State shall give to each House, as soon as their annual sessions are opened, an account of the state of their respective departments.

120. The Secretaries of State shall be responsible for the acts of the President, unauthorized by their signatures, contrary to the Constitution, constitutional act, and general laws and constitutions of the States.

121. To be a Secretary of State it is necessary to be a Mexican citizen by birth.

122. The Secretaries of State shall form a regulation for the better distribution and direction of their duties, which shall be passed by the Government to the Congress for their approbation.

TITLE 5th. SECTION 1st.—*Of the Judicial Power of the Confederation.*

123. The Judicial power of the Federation shall reside in one Supreme Court of Justice, and in the Circuit and District Courts.

SECTION 2nd.—*Of the Supreme Court of Justice, the Election, Term of Service, and Oath of its Members.*

124. The Supreme Court of Justice shall be composed of eleven members divided into three halls, and one Attorney-

General. Congress may augment or diminish its number as it may deem necessary.

The following articles to No. 136 refer to the election of the Judges, their qualification and tenure of office. Sections third and fourth relate to the "attributions" of the Supreme Court and "the mode of judging its members."

SECTION 5th.—*Of the Circuit Courts.*

SECTION 6th.—*Of the District Courts.*

SECTION 7th.—*General Rules to which all the States and Territories in the Federation shall conform in the Administration of Justice.*

TITLE 6th. SECTION 1st.—*Of the individual government of the States.*

157. The government of each State shall be divided for its exercise in three powers, Legislative, Executive, and Judicial, and never can be united two or more of these in one corporation or person, nor the Legislative deposited in one individual.

158. The legislative power of each State shall reside in one Legislature, composed of the number of individuals which their respective constitutions may determine, to be elected popularly, and removable in the time and manner which said constitutions may designate.

159. The person or persons to whom the States confide their executive power, cannot exercise it except for a definite time, which shall be fixed by their respective constitutions.

160. The judicial power of each state shall be exercised by the Tribunals that the Constitution may establish or designate, and all cases, civil or criminal, which appertain to the cognizance of those Tribunals, shall be conducted in them to final judgment and execution.

SECTION 2nd.—*Of the obligations of the States.*

161. Each one of the States is obliged—First, to organize

its interior government and administration, without opposing this Constitution nor the constitutional act. Second, to publish by means of their Governors, their respective Constitutions, laws and decrees. Third, to obey, and cause to be obeyed, the Constitution and general laws of the Union, and treaties made, and those that henceforward may be made, by the supreme authority of the Federation with any foreign Power. Fourth, to protect its inhabitants in the free use and liberty which they have to write, print, and publish their political ideas, without the necessity of license, revision, or approbation previous to publication, always taking care to observe the general laws on the subject. Fifth, to deliver immediately, the criminals of other states, to the authority which reclaims them. Sixth, to deliver the fugitives of other states, to the person that justly reclaims them, or compel them in some other mode to satisfy the interested party. Seventh, to contribute for the consolidation and extinguishment of the debts acknowledged by the general Congress. Eighth, to remit annually to each one of the Houses of Congress, a general, circumstantial, and comprehensive note, of the ingress and egress in all the treasuries they may have in their respective districts, with a relation of the origin of one and the other, of the situation in which are found the branches of industry, agriculture, commerce and manufactures, of the new branches of industry which they can introduce and extend, designating the means by which it can be obtained, and of their respective population and means of protecting and augmenting it. Ninth, to remit to both Houses, and in their recess, to the Council of Government, and likewise to the Supreme Executive Power, authorised copies of the constitutions, laws, and decrees.

SECTION 3rd.—*Restrictions of the Powers of the State.*

162. None of the States can—First, establish, without the consent of the General Congress, any tonnage duty, nor other port duty. Second, impose, without the consent of the general Congress, contributions or duties on importations or exportations, whilst the law does not regulate it as it must do. Third,

hold, at no time, a permanent troop nor vessels of war, without the consent of the general Congress. Fourth, enter into no agreement or compact with any foreign power, nor declare war against them, resisting in case of actual invasion, or in such danger as will not admit of delay, giving immediate notice thereof to the President of the Republic. Fifth, enter into no agreement or compact with other States of the Federation, without the previous consent of the general Congress or its posterior approbation, if the transaction were upon the regulation of limits.

TITLE 7th. ONLY SECTION.—*Of the Observance, Interpretation, and Amendment of the Constitution and Constitutional Act.*

163. Every public functionary, without exception to the class, previous to entering on the discharge of his duties, must take the oath to obey the Constitution and Constitutional Act.

164. The Congress shall dictate all laws and decrees, which they may deem necessary to render effective the responsibility of those who violate this Constitution or the Constitutional Act.

165. The general Congress alone can resolve doubts, which may occur about the meaning or understanding of the Articles of this Constitution and of the Constitutional Act.

166. The Legislatures of the States can make such observations as they may deem proper about particular Articles of this Constitution and the Constitutional Act, but the general Congress will not take them into consideration until the year 1830.

167. The Congress in that year shall confine itself to examining the observations that merit the deliberation of the next Congress, and this declaration they shall communicate to the President, who shall publish and circulate them without any observations.

168. The following Congress in the first year of its ordinary sessions, shall occupy itself in examining these observations submitted to their deliberation, in order to make such amendments as may be deemed necessary, but the same Congress

which makes the examination provided in the last Article, cannot decree the amendments.

169. The amendments and additions that are proposed in the year following the 30th, shall be taken into consideration by the Congress in the second year of each biennial, and if rendered necessary, in conformity with the provisions made in the preceding Article, they shall publish this resolution in order that the next Congress may notice them.

170. In order to reform or amend this Constitution or the Constitutional Act, shall be observed, besides the rules prescribed in the foregoing Articles, all the requisites provided for the formation of laws, excepting the right to make observations granted to the President in Article 106.

171. The Articles of this Constitution and the Constitutional Act which establishes the Liberty and Independence of the Mexican Nation, its Religion, form of Government, Liberty of the Press, and division of the Supreme Powers of the Federation, and of the States, can never be reformed.

Given in Mexico, 4th October, 1824, fourth year of Independence, third of Liberty, and second of the Federation.

Signed by the members of Congress, and the Supreme Executive Power.

APPENDIX.—N°. II.

THE CONSTITUTION OF COAHUILA AND TEXAS.

THE Governor of the Free State of Coahuila and Texas, to all its inhabitants—*Know*, that the Constituent Congress of the same State has *Decreed* and sanctioned the following political Constitution of the free State of Coahuila and Texas.

PRELIMINARY DISPOSITIONS.

ARTICLE 1. The State of Coahuila and Texas consists in the union of all its inhabitants.

2. It is free and independent of the other united Mexican states, and of every other foreign power and dominion.

3. The Sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it; but these do not of themselves execute any other acts of sovereignty than those designated in this Constitution, and in the form which it prescribes.

4. In all matters relating to the Mexican Federation, the State delegates its faculties and powers to the General Congress of the same, but in all that properly relates to the administration and entire government of the State, it retains its liberty, independence, and sovereignty.

5. THEREFORE, Belongs exclusively to the same State, the right to establish by means of its representatives, its fundamental laws, conformably to the basis sanctioned in the Constitutional Act and the General Constitution.

6. The Territory of the State is the same which compre-

hends the Provinces heretofore known by the name of Coahuila and Texas. A constitutional law shall fix their limits with respect to the other adjoining States of the Mexican Federation.

7. The Territory of the State is divided for the present, for its better administration, into three departments, which shall be—Bexar—which district is extended to the whole of the Territory, which corresponds to that called the Province of Texas, which alone is a district. Monclova, which comprehends the district of this name and that of the Rio Grande Saltillo, which embraces the district of this name, and that of Parras.

8. Congress hereafter shall have power to alter, vary, and modify this division of the territory of the State, in the manner it may deem most conducive to the felicity of the people.

9. The Apostolic Catholic Religion is that of the State; this it protects by wise and just laws, and prohibits the exercise of any other.

10. The State shall regulate and defray the expenses which may be necessary for the preservation of worship, in conformity with the regulation of the Concordats, which the nation shall celebrate with the Holy See, and by the laws it shall dictate relative to the exercise of patronage in the whole Federation.

11. Every man who inhabits the Territory of the State, although he be in transit, shall enjoy the imprescriptible rights of liberty, security, property, and equality; and it is the duty of the same state to conserve, and protect by laws, wise and equitable, those general rights of mankind.

12. It is also an obligation on the State, to protect all its inhabitants in the right which they have to write, print, and publish freely their thoughts, and political opinions, without the necessity of examination, revision, or censure, anterior to the publication, under the restrictions and responsibilities established, or which hereafter may be established, by general laws on the subject.

13. In this State no person shall be born a slave, after this Constitution is published in the capital of each District, and

six months thereafter, neither will the introduction of slaves be permitted under any pretext.

14. It is the duty of every man who inhabits the State to obey its laws, respect its constituted authorities, and contribute to the support of the same State, in the mode which it asks.

15. To the State belongs every species of vacant goods in its Territories, and those of its intestate inhabitants who have no legitimate successor in the manner laid down by the laws.

16. The State is composed only of two classes of persons, to wit: *inhabitants* of Coahuila and Texas (Coahuiltejanos), and *citizens* of Coahuila and Texas.

17. Those are inhabitants of Coahuila and Texas (Coahuilteuanos):—First, All men born and domesticated in the Territory of the State, and their descendants. Secondly, those born in any other part of the Territory of the Federation, or those who fix their domicile in this State. Thirdly, those foreigners who are legitimately established in the State, be they of what nation they may. Fourthly, those foreigners who obtain from Congress letters of naturalization, or have a domicile in the State, obtained according to the law which shall be passed as soon as the Congress of the Union fixes the general rule of naturalization, which it ought to establish conformably to the 26th clause of the faculties which the Federal Constitution designates.

18. Those are citizens of Coahuila and Texas (Coahuiltejanos):—First, All men born in the State, and who are domiciliated in any part of its Territory. Secondly, all citizens of the other States and Territories of the Federation, as soon as they become domiciliated in the State. Thirdly, all the children of Mexican citizens, who have been born out of the Territory of the Federation, and who fix their domicile in the State. Fourthly, the foreigners who are actually and legally domiciliated in the State, whatever may have been the country of their nativity. Fifthly, foreigners who enjoy the rights of inhabitants of Coahuila and Texas, have obtained from Congress special letters of citizenship—the laws will prescribe the merits and circumstances requisite for the concession of such.

19. Those born in the Territory of the Federation, and those foreigners resident in it (with the exception of their children), who, at the time of the proclamation of the political emancipation of the nation, were unfaithful to the cause of independence, and emigrated to a foreign country, or that dependent on the Spanish government, are neither entitled to the rights of domiciliation, nor citizenship, in said State.

20. The rights of citizenship are lost—First, By acquiring naturalization in a foreign country. Secondly, by acquiring a station of profit, or honour, under a foreign government, without permission of Congress. Thirdly, by sentence legally obtained, which imposes personal or infamous punishments. Fourthly, by selling his vote, or buying that of another, for himself or for a third person, whether in popular assemblies, or in any other whatever; and of trust in the same assemblies, either as presidents, tellers, or secretaries, or in the exercise of any other public functions. Fifthly, for having resided five consecutive years out of the limits of the Territory of the Federation, without commission of the general government, or particular one of the State, or without its leave.

21. He that has lost the rights of citizenship cannot regain them without the express act of restoration of Congress.

22. The exercise of the same rights are suspended—First, for physical or moral incapacity, previously ascertained by judicial decision. Secondly, for not being twenty-one years complete, except those who are married, who can enter upon the exercise of these rights from the time they contract matrimony, of whatever age they may be. Thirdly, for being a debtor to the public funds, the time of payment elapsed, legal requisition therefore made, and not complied with. Fourthly, for having been prosecuted criminally, unless the defendant is absolved of the matter, or condemned to punishment not painful or infamous. Fifthly, for not having an employment, trade, or any known method of obtaining a livelihood. Sixthly, for not knowing how to read and write; but this shall not take effect until the year 1850, with regard to those who hereafter enter into the rights of citizenship.

23. The rights of citizenship can only be destroyed or suspended for the causes stated in articles 20 and 22.

24. None but citizens who are in the exercise of their rights can vote for popular employments in the State, in those instances stated in the law; and these only can obtain the said employments, or any others in the same State.

25. Professional employments form an exception to the second part of the anterior article, which employments can also be conferred on foreigners.

FORM OF THE STATE GOVERNMENT.

26. The object of the state government is the happiness of the individuals which compose it, for the end of all political society is no other than the welfare of the associated.

27. The officers of the government, invested with whatever kind of authority, are no more than mere agents or commissioners of the state, responsible to it for their public conduct.

28. The government of the state is popular representative federal; in consequence, it shall not have in it any hereditary office or privilege.

29. The supreme power of the state is divided for its exercise, into Legislative, Executive, and Judicial, and never can these three powers, nor two of them, be united in one corporation or person, nor the Legislative power deposited in one individual.

30. The exercise of the Legislative power shall reside in a Congress composed of deputies popularly elected.

31. The exercise of the Executive power shall reside in a citizen, who shall be denominated Governor of the State, and who shall also be chosen popularly.

32. The exercise of the Judicial power shall reside in the Tribunals and Courts which the Constitution establishes.

TITLE 1st.—*Of the Legislative power of the State.*

SECTION 1st. *Of the deputies of Congress.*

33. The Congress consists of the deputies which represent

the State, chosen conformably to this Constitution; its number shall be that of twelve members proprietary, and six supernumerary members, until the year 1832.*

34. The Congress in that year, and in the last of every ten years which follow, shall have power to augment the number of deputies, under the standard of one for every 7000 souls.

35. The election of proprietary deputies and supernumeraries shall be held in all and every one of the districts of the State. A law shall fix the number of deputies of one and the other class which each district ought to appoint.

36. To be a deputy, proprietary, or supernumerary, it is required to have, at the time of the election, the following qualities:—First, to be a citizen in the exercise of his rights. Secondly, to be of the full age of twenty-five years. Thirdly, to be an inhabitant of the State, with residence in it for two years immediately before the election. To natives of the State it is sufficient to possess the two first requisites.

37. It is necessary for those not born in the Territory of the Federation, in order to be deputies, proprietary, or supernumerary, to have had eight years' residence in it, and to be worth 8,000 dollars in property, or to have an income of some business of 1,000 dollars annually, and the qualifications provided in the foregoing Article.

38. There are excepted from the foregoing, those born in any other part of the Territory of America, which in the year 1810 depended on Spain, and which may not have united itself to any other nation, nor remained in dependence on Spain; to those it is sufficient that they have been three years, complete, in the Mexican Republic, and possess the requisites prescribed in Article 36.

39. Those cannot be deputies, proprietary, or supernumerary; First, The Governor, or Vice-Governor of the State; the members of the Council of Government; those employed in the Federation; the Civil Functionaries of the State Gov-

* The supernumerary deputies were intended to supply vacancies, occasioned by death or other inevitable cause.

ernment; the Ecclesiastics who exercise any species of jurisdiction, or authority in some part of the district where the election may be held; foreigners, at the time when war may exist between the country of their nativity and Mexico.

40. In order that those public functionaries of the Federation, or of the State, comprehended in the anterior article, may be elected deputies, they ought absolutely to have ceased the exercise of their functions four months before the election.

41. If the same individual shall be named deputy proprietary for two or more districts, the election of that district in which he actually resides shall have preference. If he does not reside in either, the election of the district of his origin shall have preference. If he was neither a resident nor a native of some one of the said districts, that shall stand which the same elected deputy shall designate. In either of these cases, or of the death or inability of the deputies proprietary to discharge their functions according to the judgment of Congress, their duties shall devolve upon the respective deputies supernumerary.

42. If it shall happen that the same citizen is elected deputy supernumerary for two or more districts, in this case the same order of preference provided for in the three first parts of the anterior Article prevails. And in the district which remains without a deputy supernumerary, the vacancy shall be filled up by the person who, in the respective electoral assembly, had the next greatest number of votes. In case of a tie it shall be decided by lot (suerte).

43. The deputies, during the discharge of their commissions, shall obtain from the public Treasury of the State the compensation which the anterior Congress shall assign; and they shall also receive what may appear necessary for their expenses in going to the place of session, and in returning from thence to their houses on the close of the session.

44. The deputies at no time, and in no case, nor before any authority, shall be responsible for the opinions which they manifest in the discharge of their duties. In criminal cases instituted against them, they shall be judged by the Tribunals which will be hereafter mentioned; and from the day of their

appointment until they have completed the two years of their deputation, they cannot be accused unless before Congress, which is constituted a Grand Jury to declare if there is, or is not, cause for an accusation. In the mean time, during the session, the deputies cannot be sued in civil suits, nor arrested for debts.

45. During the time of their deputation, counting for this purpose from the day of their appointment, they cannot obtain for themselves any employment from the government, nor shall they solicit it for others, nor even for their promotion, except it be in the regular order of office.

SECTION 2.—*Of the Nomination of the Deputies.*

46. For the election of the deputies, there shall be held electoral municipal assemblies, and electoral district assemblies. Paragraph first, of the electoral municipal assemblies.

47. The electoral municipal assemblies shall be composed of the citizens who are in the exercise of their rights, and who may be inhabitants and residents within the limits of their respective Ayuntamientos, and no person of this can be excused from attending.

48. These assemblies shall be celebrated the first Sunday and the following day of the month of August, of the year anterior to the renovation of Congress, in order to nominate the electors of the district who are to choose the deputies, and eight days previously, the president of every Ayuntamiento, without the necessity of other order, shall call together the citizens of his district, by a proper notice, or as may be the custom, that they shall convene to make the elections at the time and in the form which this Constitution requires, giving prompt notification to the villages of the same district for the information of the inhabitants.

49. In order that the citizens may assist with the greater convenience, every Ayuntamiento, according to its locality and the population of its territory, shall determine the number of municipal assemblies which it ought to form in its limits, and the public places in which they have to be held, designating the limits of each.

50. They shall be presided, one by the political Chief or

Alcalde, and the remainder by other individuals of the Ayuntamiento to whom it falls by lot, and in default of these, that corporation shall appoint as President of the respective municipal assembly an inhabitant of its own district, who shall know how to read and write.

51. On the aforesaid Sunday in August, at the hour of meeting, the citizens who have convened in the place designated for it, shall open the said assembly by appointing from amongst themselves, by a plurality of votes, one Secretary and two Tellers, who shall know how to read and write.

52. The elections shall be opened on the two days mentioned in Article 48, for the space of four hours each day, divided between the morning and the evening, and in every one of these assemblies there shall be a Register, in which shall be written the votes of the citizens who come together to name the electors of the district, setting down in alphabetical order the names of the voters and those voted for.

53. To be an elector of a district, it is necessary to be a citizen in the exercise of his rights, of the age of twenty-five years complete, to know how to read and write, and to be an inhabitant and resident in some part of the same district the year immediately anterior to the election.

54. Every citizen shall choose by voice or writing the respective electors of the district, whose names (the election being had according to the former mode) the voter shall designate in a loud voice, and it shall be entered in a list and then read by the Secretary; and it is indispensable that it should be written in the Register in presence of the voter. No person shall vote for himself in this or any other instance of the election, under the penalty of losing the right to vote.

55. In those districts in which there is to be chosen only one deputy, there shall be appointed eleven electors, and in that which can choose two or more, there shall be appointed twenty-one electors.

56. The doubts or controversies that may arise, whether any person or persons present possess the qualification of voters, shall be decided verbally by the assembly, and its decision shall be executed without appeal, for this time and object only;

provided, that such doubt shall not turn upon the construction of this Constitution or other law. If the said resolution shall result in a tie, the doubt shall be considered removed.

57. Should complaints arise that bribery, corruption, or force had been used to determine the election in favour of particular persons, a public and verbal investigation shall be made thereof, and should it appear that the accusation is true, those who have committed the crime shall be deprived of all voice in the election, and the caluminator shall suffer the same penalty; and from this judgment there shall be no appeal. Doubts which arise as to the quality of proof shall be decided by the assembly, in the manner prescribed in the preceding Article.

58. Municipal assemblies shall be held with open doors and without any guard whatever; and no individual, whatever his class may be, shall present himself in them armed.

59. On completion of the two days for which the election is to be kept open, the President, Tellers, and Secretary of each assembly, shall proceed to sum up the votes which each citizen has received, in the Register, which shall be signed by the said officers; and by this operation the assembly shall be dissolved; and any other act which may be done shall not only be considered null, but as an attempt against the public security. The said Register shall be delivered sealed to the Secretary of the respective Ayuntamientos.

60. On the second Sunday of the said month of August the Ayuntamientos shall convene in their respective halls in public session. In their presence, and also with the assistance of the President, Tellers, and Secretary of the municipal assemblies, the Registers shall be opened, and after examining the whole of them, a general list shall be formed in alphabetical order, in which shall be comprehended all the individuals voted for, and the number of votes they have received.

61. This list and the certificate which shall be extended on the subject, shall be signed by the President of the Ayuntamiento, the Secretary of it, and the Secretaries of the assemblies; after which, two copies of the said lists shall be drawn off, certified by the same persons, one of which shall be immediately posted up in the next public place, and the other shall

be delivered with the accompanying official letter, signed by the President of the Ayuntamiento, to two individuals appointed by that body to proceed to the capital of the district, there to form a general classification of votes in union with the commissioners of the other Ayuntamientos.

62. On the fourth Sunday in August, the commissioners of the Ayuntamientos shall present themselves with their credentials of election to the political Chief, or in his absence to the first Alcalde, of the capital of the district, and, presided by the first or by the second, as the case may be, shall assemble in public session in the town-hall; and after examining all the lists, they shall form a general list of all the individuals voted for as electors of the district by the citizens of each municipal district respectively, expressing the number of votes they have had and the place of their residence.

63. In order to make this general regulation of votes, the concurrence of not less than four of the commissioners is requisite. In those districts in which there is not that number, the Ayuntamiento of the capital shall name from amongst the individuals of its own body the number deficient.

64. The citizens who, upon the result of this general scrutiny, have the greatest number of votes on the list, shall be considered constitutionally appointed for electors. In case of a tie amongst two or more individuals, it shall be decided by lot.

65. The aforesaid list, and all acts relative to the business, shall be attested by the President, the Commissioners, and the Secretary of the Ayuntamiento of the capital of the district. There shall be extracted copies of one, and the other certified by the same; and they shall be remitted by the President to the permanent deputation of Congress, the Governor of the State, and the different municipalities of the district.

66. The same President shall pass, without any delay, the corresponding certificate to the electors appointed, that they may go to the capital of the department on the day named by the Constitution, in order to celebrate the electoral assembly of the same.

Paragraph 2d.—*Of the Electoral Assemblies of the District.*

67. The electoral assemblies of the district shall be composed of the electors named by the citizens in the municipal assemblies, who shall assemble in the capital of the respective district with a view to name the deputy or deputies, required to assist at the Congress as representatives of the State.

Section 3d.—*Of the Sessions of Congress.*

78. The Congress shall assemble each year, to hold its sessions in the place which shall be designated by a law, and in the building which is destined for this object. Whenever it may be deemed convenient to change it to another place, it can be done with the accordance of two-thirds of the whole number of the deputies.

79. The deputies shall present their credentials to the permanent deputation of Congress, in order that they may examine them, by comparing them with the testimonies of the elections of the electoral assemblies of the district.

80. On the 28th day of the month of December, of the year anterior to the renovation of Congress, the newly elected deputies and the members of the permanent deputation shall meet in public session, and shall choose their President and Secretary from the said deputation. This meeting shall report as to the legitimacy of the credentials and qualifications of the deputies, and any doubts which may arise on these points shall be definitively determined by a plurality of votes by this assembly; but the individuals of the permanent deputation who have not been re-elected shall not have a vote.

81. In continuation, the deputies shall take before the President an oath, that they will observe, and cause to be observed, the Constitutional Act, and the Federal Constitution of the United States of Mexico, and the Constitution of this State, and that they will completely discharge their duties.

82. In continuation, the deputies shall proceed to choose from amongst themselves, by secret ballot, and by an absolute plurality of votes, a President and Vice President, and two

Secretaries, upon which the permanent deputation shall cease in all its functions, and those of its members not re-elected having retired, the President of Congress shall declare that it is solemnly and legitimately constituted.

83. For the celebration of the ordinary and extraordinary sessions of Congress, the deputies shall meet four days previous to its organization, in the manner prescribed in the first part of Article 80, in order to resolve in the manner expressed in the second part of the same Article upon the legitimacy of the credentials and qualifications of the new deputies who present themselves; and having approved of them, the deputies shall immediately take the oath prescribed by Article 81, and in continuation, shall proceed to make nomination of the President, Vice President, and Secretaries, in the same manner which is provided in Article 82.

84. The Congress shall open its ordinary sessions the first day of January in every year, and the first day of September in each year following the renovation of the same Congress; the Governor of the State being obliged to assist upon so important an occasion, when he shall pronounce a suitable discourse, which the President of Congress shall answer in general terms.

85. On the day after the opening of the ordinary session, the Governor shall present in person to Congress a written account of the state of the public administration, proposing such amendments or reforms as may be required in its different branches.

86. The session of Congress shall be held daily, without other interruption than those of solemn festivals. All the proceedings shall be public, with the exception of those which treat of reserved business, which may be secret.

87. The ordinary sessions of Congress, which commence the first day of January, shall last that month and the three following, February, March, and April, and cannot be prorogued to any other month, except in the two following instances; first, by petition of the Governor, and secondly, if the same Congress deem it necessary—for this, there must be the concurrence, in both cases, of the vote of two-thirds of the depu-

ties. The ordinary sessions, which commence on the first of September, shall last thirty days of the said month, without any power to prorogue on any motive or pretext whatever. Both sessions shall be closed with the same formalities which are prescribed for their opening.

88. Before the conclusion of the ordinary session of Congress there shall be appointed of that body a permanent deputation, composed of three individuals proprietary, and one supernumerary, which shall continue all the intervening time between one ordinary session and the other; and its President shall be its first appointed individual, and its Secretary the last individual proprietary.

89. When in the intervening time between one ordinary session and another, circumstances or business shall occur requiring the meeting of Congress, it can be convoked for extraordinary sessions, provided it is sanctioned by the unanimous vote of two-thirds of the members of the permanent deputation and of the council of government, which shall meet for that purpose.

90. If the circumstances or business which caused the extraordinary convocation of Congress should be very weighty and urgent, the permanent deputation united with the council of government and the other deputies which are in the capital, shall immediately take such necessary measures as the exigency shall require, and shall give an account thereof to Congress as soon as it may meet.

91. When Congress meet in extraordinary sessions, there shall be called to the same the deputies who ought to assist at the ordinary sessions of that year, and they shall be exclusively occupied upon the business or businesses for which they have been convoked; but if they have not concluded against the day on which they ought to meet in ordinary sessions, they shall postpone those and continue the business for which the extraordinary session had been convoked.

92. The holding of the extraordinary sessions shall not impede the election of the new deputies at the time prescribed in this Constitution.

93. The extraordinary sessions shall be opened and closed with the same solemnities as the ordinary sessions.

94. The resolutions which Congress may take upon the change of its residence, or the prorogation of its sessions, shall be executed by the Governor without any observations upon them.

95. The Congress, in all that belongs to its government and interior order, shall observe the regulations formed by the present, having power to make the reforms it may deem necessary.

96. The deputies shall be renewed totally every two years. Those of the anterior Congress can be re-chosen but they cannot be compelled to accept this trust unless there should be a vacancy of one half of the deputation. There shall be excepted in this Article the deputies of the present Congress, who cannot be re-elected for the next Constitutional Congress.

Section 4th.—*Of the Attributes of Congress, and of the Permanent Deputation.*

97. The exclusive attributes of Congress are first to decree, interpret, reform, or abolish, the laws relative to the Administration, and interior government of the State in all its branches. Secondly, to regulate the votes which the citizens may have obtained in the electoral assemblies for Governor, Vice-Governor, and for members of the council of government, and to appoint those officers whenever it shall devolve upon them to do so. Thirdly, to decide by secret ballot the ties which may happen between two or more individuals, in the election of the before-mentioned officers. Fourthly, to resolve the doubts which may arise upon these elections and upon the qualifications of the elected. Fifthly, to examine the excuses which the elected may allege for not accepting these stations, and to determine them. Sixthly, to form themselves into a Grand Jury, and to declare whether there are or are not grounds of accusation for neglect of official duty, as well as for ordinary crimes against the deputies of Congress, the Governor, the Vice-Governor, the members of the Council, the Secretary of State, and the individuals of the Supreme Court of Justice

of the State. Seventhly, to render effective the responsibility of these public functionaries, and to do in this case that which is so necessary with respect to all others employed. Eighthly, to fix every year the public expenses of the State, having in view the reports on the subject which shall be presented by the Governor. Ninthly, to establish or confirm the taxes or contributions necessary to cover these expenses, under the regulations of this Constitution, and the general one of the Federation—to regulate their collection, determine their application, and approve of their distribution. Tenthly, to examine and approve the accounts of the application of all the public funds of the State. Eleventh, to contract debts in case of necessity upon the credit of the State, and to designate the guarantees for their liquidation. Twelfth, to decree whatever may be necessary for the administration, conservation, or alteration of the goods of the State. Thirteenth, to create, suspend, or suppress the public officers of the State; and to fix, diminish, or augment their salaries or pensions. Fourteenth, to grant premiums or recompences to corporations or persons, who have rendered distinguished services to the State, and to decree posthumous public honours to the memory of great men. Fifteenth, to regulate the manner of recruiting the men which may be necessary for the service, or to fill up the permanent presidial militia, companies of cavalry, and the active militia of the same army, auxiliary to that which are destined by the institution to the defence of the State, approve of the distribution which may be made among the towns of the State of their respective quotas, to effect this object. Sixteenth, to decree that which may be necessary for the enrolling and instruction of the civic militia of the State, and the appointment of its officers conformably to the discipline prescribed, or which shall be prescribed by general laws. Seventeenth, to promote and encourage, by laws, public information, and education, and the progress of the sciences, arts, and useful establishments, removing the obstacles which may palsy objects so commendable. Eighteenth, to protect the political liberty of the press. Nineteenth, to attend to, and

give or deny their consent to all those acts and cases for which this Constitution has provided.

98. The attributes of the permanent deputation are, first, to watch over the observance of the Constitutional Act, the Constitution, and general laws of the Union, and the particular ones of the State, in order to give an account to Congress of infractions thereof, which they may observe. Second, to convoke the Congress for extraordinary sessions in those cases, and in the manner prescribed by this Constitution. Third, to discharge the functions which are prescribed in Articles 79 and 80. Fourth, to give notice to the supernumeraries of the time when they shall come to the Congress in the place of the deputies proprietary; and if the death or absolute inability of one or more of them should occur, to communicate the corresponding orders to the respective districts, in order that they may proceed to a new election. Fifth, to receive the testimonies of the acts of the elections of the electoral assemblies of the district, for Governor, Vice-Governor, and members of the Council of Government, and to deliver them to Congress, as soon as it may be installed.

Section 5th.—*Of the Formation and Promulgation of the Laws.*

Appendix to this title—*Of the Election of Deputies for the General Congress of the Federation.*

109. On the first Sunday of the said month of October, the electors having met, and more than one half of the whole being present, they shall proceed to the appointment of the deputies, who shall go from the State to the general Congress of the Federation, in the form laid down by this Constitution, for the appointment of those to the State Congress. This being done, the assembly will do what is necessary to comply with the provisions of the 17th Article of the Federal Constitution, and shall dissolve.

Title 2.—*Of the Executive Power of the State.*

Section 1.—*Of the Governor.*

110. The Governor of the State ought to possess, at the time of his appointment, the following qualifications: First, to be a citizen in the exercise of his rights. Second, to be born in the Territory of the Republic. Third, to be of the age of thirty years, complete. Fourth, an inhabitant of this State, with residence in it for five years, and two of them immediately before his election.

111. The ecclesiastics, the military, and others employed by the Federation, and in the actual service of the same, cannot obtain the office of Governor.

112. The Governor of the State shall continue four years in the discharge of his office, and cannot be re-chosen for the same office until the fourth year after he has ceased from its functions.

113. The prerogatives of the Governor, the attributes, and restrictions of his faculties are the following:—

PREROGATIVES OF THE GOVERNOR.

First, The Governor can make observations upon the laws and decrees of Congress, in the manner and form prescribed in Article 102, suspending their publication until the resolution of the same Congress, unless in the cases excepted in this Constitution. Second, he has power to propose laws or reforms to Congress, which he believes may conduce to the general good of the State. Third, he can pardon delinquents under the regulation of the laws. Fourth, the Governor can not be arraigned by any one for offences committed at the time of his administration nor during it, nor until one year afterwards, counting from the day on which he has ceased his functions, unless before the Congress, and that time being elapsed, not even before the Congress.

ATTRIBUTES OF THE GOVERNOR.

First, to provide for the preservation of order and public tranquillity in the interior of the State, and the security of

the exterior, disposing for both these objects, of the militia of the State, whereof the said Governor is commander-in-chief. Second, to cause the observance of the Constitutional Act, the general Constitution, and that of the State, and of the laws, decrees, and orders of the Federation, and of the Congress of the State; issuing their decrees and necessary orders for their execution. Third, to form upon consultation with the Council, those instructions and regulations which he believes necessary for the better government of the branches of the public administration of the State, which he shall pass to the Congress for its approbation. Fourth, to fill, under the regulation of the Constitution and the laws, all the offices of the State, which are not electoral, and which are not otherwise provided for by those laws. Fifth, to appoint, and freely dismiss, the Secretary of State. Sixth, to take care that justice is administered promptly and completely by the tribunals and courts of the State, and that their sentences are executed. Seventh, to take care of the administration and collection of all the rents of the State, and to decree their application in coformity with the laws. Eighth, to suspend from their offices for three months, and even to deprive them of one-half of their salaries for the same time, after hearing the opinion of the Council of State, all those in the employment of the State, under the Executive department thereof, and of its nomination and appointment when they infringe its orders and decrees, passing the proceedings upon the matter to the respective tribunals, in case he believes that there is sufficient cause for accusation. Ninth, to propose to the permanent deputation the convocation of Congress in extraordinary session, whenever he deems it necessary, first having the opinion of the Council.

RESTRICTION OF THE FACULTIES OF THE GOVERNOR.

The Governor cannot, first, command in person the civic militia of the State, without the express consent of Congress, or in its recess, of the permanent deputation. When he commands, under such circumstances, the Vice-Governor shall take

charge of the Government. Second, he cannot intermeddle in the examination of pending causes, nor dispose in any manner, before judgment, of the persons of criminals. Third, he cannot deprive any person of his liberty, nor impose any punishment. But when the good and security of the State requires the arrest of any person, he has power to do so, placing the persons arrested at the disposition of the tribunal or competent judge within the term of forty-eight hours. Fourth, he cannot occupy the property of any particular person or corporation, nor embarrass him in the possession, use, or profit of it, unless it may be necessary for a known object of general utility, according to the judgment of the Council of Government; in which case he shall have power, with the consent of the said Council, and the approbation of Congress, or in its recess, of the permanent deputation, always indemnifying the interested party according to the judgment of good men, chosen by said party, and by the Government. Fifth, he cannot impede or embarrass in any manner, or under any pretext, the popular elections determined by this Constitution and the Laws, nor prevent those laws from taking full effect. Sixth, he cannot go from the capital to any other part of the State for more than one month. If a longer absence is necessary, or if he is obliged to go from the territory of the State, he shall ask leave of Congress, and in its recess, of the permanent deputation.

114. In order to publish the laws and decrees of the Congress of the State, the Governor shall use the following form: "The Governor of State of Coahuila and Texas, to all its inhabitants, *Know*, that the Congress of the same State has decreed the following: (here the text of the law or decree:) THEREFORE, I command that it be printed, published, and circulated, in order that it be complied with."

SECTION 2nd.—*Of the Vice-Governor.*

115. There shall likewise be in the State a Vice-Governor. His qualifications shall be the same as those required for Governor. His term shall be four years, and he cannot be

re-elected for the same office, unless at the fourth year after he has ceased from its functions.

SECTION 3rd.—*Of the Council of Government.*

121. For the better discharge of the functions of his office, the Governor shall have a council, which shall be denominated *The Council of Government;* and shall be composed of three members proprietaries and two supernumeraries, amongst the whole of whom there can be but one ecclesiastic.

122. To be a member of the Council of Government, the same qualifications are required as for a deputy. Those who are prohibited from being deputies cannot be councillors.

123. Every two years the council shall be removed; the first time, one of the members proprietary and supernumerary going out, who have been last appointed, and the second time, those other members proprietary and supernumerary going out, and so successively.

124. No councillor can be re-elected, except on the fourth year after having ceased from his office.

125. When the Governor of the State assists at the council, he shall preside, but without a vote, and in such case the Vice-Governor shall not assist.

126. The Secretary of the Council shall be one of its members, in the manner and form which may be established by its interior regulation, which regulation the said council shall form and present to the Governor, who shall pass it to Congress for its approbation.

127. The attributes of the Council are, first, to give a fixed opinion, and in writing, to the Governor, in all those matters in which the law imposes upon him the obligation to ask it, and on all those others on which the same Governor may think proper to consult it. Second, to watch over the observance of the Constitutional Act, the Federal Constitution, and the general laws of the Union, the Constitution, and particular laws of the State, giving an account to Congress of the infractions which it may observe. Third, to promote the advancement, and aid in the prosperity of the State in all its branches. Fourth, to recommend appointments to offices, in the cases

where the law requires it. Fifth, agree in union with the permanent deputation conformably to the 89th Article, upon the convocation of extraordinary sessions of Congress, and to meet with the same deputation in order to do what may be necessary in those cases mentioned in Article 90. Sixth, examine the accounts of all the public expenditure, and pass them to Congress for its approbation.

128. The council shall be responsible for all acts relative to the exercise of its powers.

SECTION 4th.—*Of the Election of Governor, Vice-Governor, and Councillors.*

129. The day following that on which the election of deputies to Congress is made, the electoral district assemblies, all and every one of them, shall vote for a Governor, Vice-Governor, and three Councillors proprietary, and two supernumeraries, making the said election in the mode and terms prescribed in Articles 71, 72, 73, and 74.

SECTION 5th.—*Of the Secretary of State.*

139. The despatch of the business of the supreme government of the State, of whatever class it may be, shall be placed in the charge of a Secretary, who shall be entitled Secretary of Despatch of the State Government.

SECTION 6th.—*Of the Chiefs of Police of Departments, and the Subaltern or Chiefs of Districts.*

145. In the capital of each department of the State there shall be a functionary, to whom shall be intrusted the political government of the same, and he shall be denominated the Political Chief of the Department.

146. To be Chief of Department, it is necessary to be a citizen in the exercise of his rights, of the age of twenty-five years complete, an inhabitant of the State, and a resident in it three years, and one of them immediately previous to his election.

147. The Governor, on the proposition of the Council, sup-

ported by the recommendations of the Ayuntamientos of the respective departments, shall appoint the Chief of Department, with the exception of that of the capital.

148. The Chiefs of Department shall be immediately subject to the Governor of the State, and in no manner to each other. They shall continue four years in their offices, and may be re-appointed, the same formalities occurring as are prescribed for their first nomination.

149. In every capital in the district, except that in which the Chief of Department resides, there shall be a subaltern or district chief appointed by the Governor, on the recommendation of the Chief of Department.

150. The subaltern or district chiefs ought to possess the same qualifications as those of department, with the difference that their domicile and residence ought to be in the bounds of their district, and shall, besides, have some honest mode of living, sufficient to maintain themselves decently.

151. The duration of the district chiefs in their offices shall be the same as those of department; and on the proposition of these they can be continued in their offices.

152. No person can be excused from serving in these trusts, except in case of re-election for the same within four years after they have served, or for other sufficient cause in the judgment of the Governor, who shall decide, after hearing from the respective Chief of Department.

153. These chiefs, as well as those of department, are responsible for all their acts against the Constitution, and general laws of the Federation, and the laws of the State, the first to the Chief of Department to whom they are immediately subordinate, and those to the Governor.

154. The attributes of the different chiefs, and the manner in which they shall discharge their duties, shall be detailed in the regulations for the political economical government of the towns.

Section 7th.—*Of the Ayuntamientos.*

155. It appertains to the Ayuntamientos to watch over the police and internal government of the towns of the State;

and with this view they shall exist in all which have heretofore had them.

156. In the towns which may not have them, and where it is necessary they should be, they shall be placed. The capitals of districts shall have them, whatever their population may be, and also those towns, which of themselves or with their precincts, contain 1000 souls, unless they are united to another municipality; in which case, should peculiar circumstances prevent their separation, it shall be necessary, in order for them to obtain an Ayuntamiento, that Congress shall decree it, on the recommendation of the Executive, accompanied by a memorial setting forth the territory which shall compose the new municipality.

157. The towns which have not the prescribed number of souls, but which can with advantage be united to one or more, can form municipalities, which shall be formed, and the Ayuntamiento shall be established in the place which in the judgment of the Executive shall be deemed most suitable. In particular circumstances, the Congress may decree, upon previous petition and recommendation of the Governor, Ayuntamientos, in those places of lesser population.

158. In those settlements which cannot have the establishment of an Ayuntamiento, and in the interior government of which, by reason of their distance from other municipalities, cannot be taken care of, the electoral assemblies of the district to which it is attached shall appoint a commissary of police and one Syndic, (procurador,) who shall discharge the function which the regulation for the political government of the towns shall designate.

159. The Ayuntamiento shall be composed of the Alcalde or Alcaldes, Syndic or Syndics, and Alderman, whose number the said regulation shall designate.

160. To be a member of the Ayuntamiento, it is requisite to be a citizen in the exercise of his rights, more than twenty-five years of age, or being married, twenty-one years of age, to be an inhabitant of the Ayuntamiento district, with residence in it three years, one of them immediately prior to the

election; to have a capital or calling upon which he can subsist, and to know how to read and write.

167. The offices of the Ayuntamiento are municipal charges from which no persons can excuse themselves.

TITLE 3.—*Of the Judicial Power.*

ONLY SECTION.—*Of the Administration of Justice in general.*

PARAGRAPH 1.—*Of the Administration of Justice in Civil Cases.*

PARAGRAPH 2.—*Of the Administration of Justice in Criminal Cases.*

PARAGRAPH 3.—*Of the Inferior Courts and Superior Tribunals.*

TITLE 4th. ONLY SECTION.—*Of the Public Revenue.*

TITLE 5th. ONLY SECTION.—*Of the Civic Militia of the State.*

211. In all the towns of the State there shall be established corps of civic militia, and these shall constitute the military force of the same.

212. The formation of these corps, their organization, discipline, and internal government, shall be regulated by Congress, conformably to the general laws of Federation on the subject.

213. The Congress shall regulate the service of this militia, so as to effect the purposes of their institution, in a manner the most useful to the state and the least burdensome to the citizens.

214. No inhabitant of Coahuila and Texas can be excused from affording his service when required by law.

TITLE 6th. ONLY SECTION.—*Of Public Instruction.*

217. The method of instruction shall be uniform throughout the State; and to facilitate this end, the Congress shall form a general plan for public instruction; and shall regulate

by means of statutes and laws whatever appertains to this most important object.

Title 7th. Only Section.—*Of the Observance of the Constitution.*

218. The observance of the Constitution in all its parts is one of the most sacred obligations of the inhabitants of the State of Coahuila and Texas, and no one can be absolved from it, neither the Congress nor any other authority. And every inhabitant of Coahuila and Texas can insist upon this observance, making representations for this object to the Congress, or to the Executive.

219. Any infraction of this Constitution creates a personal responsibility. In order to render effective this responsibility, the Congress shall issue the laws and decrees which it believes conducive to this object; and besides, every year at their first session, shall take into consideration the infractions which the permanent deputation and the Council of Government may present, and shall do what may be necessary thereon.

220. The public functionaries of the State, of whatever class they may be, shall, at the time of entering upon their offices, take the oath to observe, sustain, and defend, the Constitutional Act, the general Constitution, and that of the State, and to discharge faithfully and completely the duties of their office.

221. Propositions for the reformation, alteration, or abrogation of one or more of the Articles of this Constitution must be made in writing, and be supported and signed by two-thirds of the deputies.

222. The Congress, in whose time any of these propositions may be made, shall not act otherwise thereon in the second year of their session than by reading and publishing them, with the grounds upon which they are supported.

223. The following Congress will either admit or reject the discussion of these propositions, and being admitted, they shall be published anew by the press, and shall be circulated by the Governor, in order that they may be read in the next electoral

assemblies before they shall make the appointment of deputies to Congress.

224. In the following Congress they shall discuss the proposed alterations, reforms, or abrogations, and if they are approved of, they shall be immediately published with the Constitutional Articles.

225. In making the reforms, alterations, or abrogations indicated, besides the rules prescribed in the anterior articles, there shall be observed all those formalities provided for the passing or repealing of the Laws, with the exception of the right conceded to the Governor of making observations, which cannot take place in these cases.

GIVEN IN SALTILLO, *11th March, 1827.* Santiago del Valle, President; Juan Vicent Campos, Vice President; Rafael Ramos Valdez, Jose Maria Viesca, Francisco Antonio Guttierez Jose Joaquim de Arce Rosalez, Mariano Varela, Jose Maria Valdez y Guajardo, Jose Cayetano Ramos, Deputy and Secretary; Dionisio Elisondo, Deputy and Secretary.

Therefore, I command, That it be printed, published, circulated, and complied with.

Given in Saltillo, 11th of March, 1827.

JOSE IGNACIO ARISPE.

APPENDIX.—N°. III.

COLONIZATION LAWS

OF THE

MEXICAN CONFEDERATION

AND THE

STATE OF COAHUILA AND TEXAS.

Protection by Government.

Art. 1. The Government of the Mexican Nation will protect the liberty, property and civil rights of all foreigners who profess the Roman Catholic religion, the established religion of the empire. Law of the 4th of January, 1823.

Art. 1 & 2 of the Law of the 4th of August, 1824, *same.*

Art. 1 of the Colonization Law of Coahuila and Texas, 24th of March, 1825, *same.* By a law of Coahuila and Texas of 21st of May, 1834, protection is offered to the person and property of every settler, whatever may be his religion.

Art. 9 of the Law of Mexico, dated 6th of April, 1830, forbids foreigners entering from the Northern frontier without passports.

Art. 11 of same Act prohibits citizens of foreign countries, lying adjacent to the Mexican Territory, from settling as colonists in the states or territories adjoining such countries, and suspends contracts not executed, opposed to such article, &c. [The eleventh article of this law, which was directed against the Americans, was repealed in 1833.]

Art. 1 & 2 of instructions to Commissioner of 4th Septemmer, 1827, require certificates of their religious character, &c.,

from the local authority, without which they cannot be admitted; and the Empresario must give his opinion of the sufficiency of said certificates—their genuineness, &c.

Distribution of Lands.

Art. 2. The Executive will distribute lands to settlers under the terms and conditions herein expressed. Laws of Mexico, 4th of January, 1823, see also, Law of the 18th of August, 1824, same.

Art. 4 of the laws of Coahuila and Texas, passed 24th of March, 1825, provides, that after a foreigner has made a declaration of his wish to become a settler in due form, as directed in section 3, and taken an oath to support the Constitution of the General and State Government, &c., he is at liberty to designate any vacant land, and the *Political Authority* will grant it to him, in the same manner as to a native of the country, to be approved by the Government.

Quantity, &c.

Art. 16. Families or unmarried men, who, entirely of their own accord, have emigrated, and may wish to unite themselves to any new towns, can at all times do so, and shall receive, provided that his sole occupation is cultivation of land, one *labor;* should he also be a *stock raiser,* grazing land shall be added to complete a *sitio;* and should his only occupation be raising of *stock,* he shall receive a superficies of land, *equal* to twenty-four million square *varas.* By Art. 15 of the same Act, *unmarried* men shall receive a like quantity, when they enter the matrimonial state; and foreigners who marry *native* Mexicans shall receive one-fourth more. Those who are entirely *single* can receive only one-fourth as much, until they marry. The government can augment the quantity of land, in proportion to family, industry, and activity of the colonists. And, by Art. 18, families who emigrate in conformity to the 16th Art. shall immediately present themselves to the *Political Authorities* of the places which they have chosen for their residence, who, finding the legal requisites, shall admit them and put them in possession of the corresponding lands, and,

by means of themselves or a commissioner, will issue them a title.

Art. 3, 16, and 18, of the Law of Coahuila and Texas, of the Act of the 24th of March, 1825, *the same.* Also, Art. 4 of the Law of Mexico of the 4th of January, 1823, *same.*

Mechanics are entitled to town lots gratis, by Art. 15 of the Law of 27th September, 1827.

By Law of Coahuila and Texas, of session 1833-4, it was enacted, that no further grants should be made to Empresarios. That a *sitio,* or league of land, be considered wholly cultivated when the colonist placed on its 125 large stock, such as cattle and horses (*ganado major*), or 250 small, as sheep and swine (*ganado menor*). A Commissioner-general appointed to have all the public vacant lands surveyed in *labors* (lots of 177 acres) and offered for sale at the minimum price of ten dollars per *labor,* being previously offered at public sale on the same plan and conditions that the United States adopt in the disposal of their public lands.

By Law of Coahuila and Texas, May 2nd, 1835, persons and families who had entered Texas previous to that date, if they had not obtained land before, were entitled to it under the general laws.

Sale by Government.

By Art. 24 of the Law of Coahuila and Texas, passed 24th of March, 1825, Government will sell to Mexicans, *and to them only,* such lands as they may wish to purchase, not more than e*leven sitios,* and under the condition that the purchaser cultivate what he acquires by this title within six years from its acquisition, under the *penalty* of losing them; the price of each sitio, subject to the foregoing condition, shall be one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land, without the facility of irrigation; and two hundred and fifty dollars, if it can be irrigated.

Art. 36. Building lots in new towns shall be given gratis to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade; and to other settlers they shall be sold at *Public* Auction, to

be paid for in six, twelve, and eighteen months; but all owners of lots shall *annually* pay one dollar for each lot, which, together with the produce of the sales, to be applied to building churches in said town. And by the instruction to the commissioners of the 4th of September, 1827.

Section 15. A mechanic is to receive in a new town *one lot*, subject to draft, and the Empresario two, without draft. Should there be a number of applicants for the same lot, it shall be decided by draft.

General Colonization Laws.

Art. 3 of the Act of the Mexican Congress of the 18th of August, 1824, declares that the Legislatures of all the States will, as soon as possible, form Colonization Laws or regulations for their respective States, conforming themselves, in all things, to the constitutional act, general constitution and regulations established by law.

Section 18. The Mexican Congress decree, that the Government shall form a system for the regulation of the new Colonies, and shall, within one year, lay before Congress an account of the colonists established under this law. The Congress of Coahuila and Texas formed their Colonization Laws 24th of March, 1825.

Not to colonise within Twenty Leagues of the Limits of a Foreign Nation.

By Art. 4 of the Law of the Mexican Congress of the 18th of August, 1824, there cannot be colonised any lands within twenty leagues of the limits of any foreign nation, nor within ten leagues of the coast, without the previous approbation of the General Supreme Executive Power.

Art. 7. The Act of the Legislature of Coahuila and Texas of the 24th of March, 1825, and the 5th Art. of instruction to the Commissioner of the State, dated 4th of September, 1827, the same.

Empresarios or Contractors.

Art. 3 of the Act of the Mexican Congress, of the 4th of January, 1823, provides, that Empresarios who shall introduce at least two hundred families, shall previously contract with the Executive, inform him of their resources, and business to be pursued, to enable the Executive to designate the province, &c.

Art. 19. To each Empresario, who introduces and establishes two hundred families, shall be granted at the rate of three haciendas and *two labors* (equal to about 66,775 acres), but he will lose the right of property over said land unless populated and cultivated in twelve years from the date of concession. The premium cannot exceed *nine haciendas and six labors*, whatever may be the number of families he introduces (equal to 200,324 acres). By

Art. 20. The proprietors of said lands at the end of twenty years must *alienate* two-thirds of the same by sale, or in any other manner they please. And by

Art. 21. The provision contained in articles nineteen and twenty are understood as governing contracts made in six months from the 4th of January, 1823: after that time the Executive can diminish the *premium* as he may deem proper.

Art. 8 of the Law of Coahuila and Texas, passed 24th of March, 1825, provides, that in projects for new settlements, in which one or more persons offer to bring at their own expense one hundred or more families, shall be presented to the Government, and if found conformable to this law, they will be admitted, and the Government will immediately designate to the contractors the land where they are to establish themselves, and the term of six years, within which they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favour, in proportion to the number of families which they fail to introduce, and the contract totally annulled, if they do not bring at least one hundred families.

By Art. 12 of the same Law, the contractor or contractors for the establishment of a new settlement are entitled to five

sitios of grazing land, and five labors (equal to 23,025 acres), at least for each hundred families which he or they may introduce, the one half of which shall be without the facility of irrigation, and they can only receive this premium for eight hundred families (equal to 184,200 acres).

Mexican Measure of Land.

Art. 5 of the Law of the Mexican Congress of the 4th of January, 1823, establishes the measure of land as follows: The *vara*, or three geometrical feet (equal to 33 1-3 inches); straight line of five thousand varas shall be a league (square varas, equal to 4629 yards, 1 foot, 10 2-3 inches, or 2 632-1000, or 2 miles, 201 rods, 12 feet, 4 inches). A square, each of whose sides shall be one league, shall be called a sitio; twenty-five million square varas is a sitio (equal to 4428 40-1000 acres), five sitios shall compose one hacienda (equal to 22,140 200-1000 acres).

Art. 7. A *labor* is one million square *varas*, or one thousand varas on each side. See, also,

Art. 11 of the Act of the Congress of Coahuila and Texas, passed 24th of March, 1825, *same.*

Establishments under former Government.

By Art. 10 of the Law of the Mexican Congress of the 4th of January, 1823, establishments made under the former government, which are now pending, shall be regulated by this law in all matters that may occur, but those that are finished shall remain in that state. And by

Art. 31 of the same Law, all foreigners, who may have established themselves in any of the provinces of the Empire, under the permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law in the distribution of said lands.

Government will cause Lands to be alienated.

By Art. 11 of the Law of the 4th of January, 1823, of the Mexican Republic, government will adopt measures for

dividing out the lands, which have accumulated in large portions in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be affixed by appraisers. And by

Art. 20 of the same Law, proprietors who have acquired their lands as a *premium* for the introduction of settlers, must alienate two-thirds of their land by sale or otherwise, as they please, at the end of twenty years from the concession. *Vide title Empresarios and Contractors.*

Villages, Towns, and Cities.

Art. 12 of the Law of the 4th January, 1823, the union of many families at one place, shall be called a village, town, or city, agreeably to the number of its inhabitants, its extension, locality, &c.; and the same regulations for its government and *Police* shall be observed, as in others of the same class in the Empire. By

Art. 34 of the Laws of Coahuila and Texas, of the 24th March, 1825, towns shall be founded on the sites deemed most suitable by the government, or the person commissioned for that purpose, and for each one there shall be designated *four square* leagues, whose area may be in a regular or an irregular form, agreeably to the situation. By

Art. 35, if any of the said sites should be the property of an individual, and the establishment of new towns on them should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers. In Coahuila and Texas, by a law of the 4th of September, 1827, appointing a Commissioner, it becomes his duty to select all sites for towns in the aforesaid states.

Streets.

By Art. 13 of the Law of the Mexican Republic of the 23rd January, 1823, streets are to be laid straight, running East and West, North and South; and by Art. 14, the streets must be twenty varas wide. See also Art. 37 and 38, of the

Colonization Laws of Coahuila and Texas, of the 24th March, 1825, to same effect.

Public Squares.

By Art. 12 of instruction to the Commissioner by act of the Legislature of Coahuila and Texas, of the 4th of September, 1827, in all new towns there shall be designated a public square, which shall be one hundred and twenty varas on each side, exclusive of streets, which shall be called *principal* or constitutional square, and this shall be the central point from which the streets shall run for the formation of squares and blocks.

Art. 13. The block situated on the east side of the principal square shall be designated for the church, curate's house, and other ecclesiastical buildings. The block on the west side of said square for public buildings of the municipality. In some other suitable situation a block shall be designated for a *market square.* Another for a *jail* and house of *correction.* Another for a school, and other edifices for public instruction; and another beyond the limits of the town, for a burial-ground.

Provinces.

By Art. 14 of the Law of the Mexican Republic of the 4th January, 1823, provinces shall be formed, whose superficies shall be six thousand *square leagues.* Government to colonise agreeably to the act of the 18th August, 1824.

When Towns are formed, how regulated, &c.

By Art. 15 of the Law of the Republic of Mexico, of the 4th January, 1823, as soon as a sufficient number of families may be united to form one or more towns, the local government shall be regulated, and the constitutional Ayuntamientos and other local establishments formed, in conformity with the laws. By

Art. 40 of the Law of Coahuila and Texas, passed 24th March, 1825, as *soon* as *forty* families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath to support the gen-

eral and state constitution, which oath shall be administered by the Commissioner; they shall then, in his presence, proceed to the election of their municipal authority.

When to elect an Ayuntamiento.

By Art. 41 of the Law of Coahuila and Texas, of the 24th of March, 1825, a new town, whose inhabitants shall not be less than two hundred, shall elect an Ayuntamiento, provided there is not another one established within eight leagues, in which case, it shall be added to it. The number of individuals that are to compose the Ayuntamiento shall be regulated by the existing laws. By.

Sec. 42. Foreigners are eligible, subject to the provisions, which the constitution of the state prescribe, to elect the members of their municipal assemblies, and to be elected to the same.

Spiritual Pastors.

By Art. 16 of the Law of the Mexican Congress, of the 4th January, 1823, the Government shall take care, in accord with the respective ecclesiastical authorities, that new towns are provided with a sufficient number of *spiritual pastors*, and in like manner it will propose to Congress a plan for their decent support. And

Art. 45 of the Law of Coahuila and Texas of the 24th March, 1825, is the same.

Preference to Colonists who first arrive.

By Art. 17 of the Law of the 4th January, 1823, of the Mexican Republic, as a general rule, colonists who arrive first shall have the preference; but by Art. 18 of the same act, Mexicans shall have the preference in the distribution of land, and particularly the military of the Three Guarantees, in conformity with the decree of the 27th March, 1821, and also those who served in the first epoch of the insurrection. By

Art. 9 of the Act of the Mexican Congress of the 18th

August, 1824, Mexican citizens have a preference in the distribution of land, but no distinction shall be made among them, except that which is founded on individual merit, or services rendered to the country, or under equal circumstances, a residence in the place where the lands to be distributed are situated.

Military.

By Art. 10 of the Act of the Mexican Congress of the 18th August, 1824, the military, who in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the States, in conformity with the diplomas which are issued to that effect by the supreme Executive power.

Art 10 of the Law of Coahuila and Texas gives preference to military and Mexicans.

Date of Concession determines the Right to Property.

By Art. 22 of the Law of the 4th of January, 1823, of the Mexican Congress, the date of the concession furnishes and constitutes an inviolable law for the right of property, and legal ownership. Should any one, through error, or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price. But by Art. 21 of the Law of Coahuila and Texas of the 24th March, 1825, if by error of concession, any land shall be granted belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere to the person who may thus have obtained it through error, and he shall be indemnified by the owner of such land for any improvements he may have made; the just value of such improvements shall be ascertained by appraisers.

Cultivation.

By Art. 23 of the Law of the Mexican Republic of the 4th January, 1823, if after two years from the date of the concession, the colonist should not have cultivated his lands,

the right of property shall be considered as renounced, in which case, the respective Ayuntamientos can grant it to another. By

Art. 24 of the Law of Coahuila and Texas, of the 24th March, 1825, lands sold to Mexicans must be cultivated in six years, under the penalty of losing them. And by Art. 26 of the same Act, the new settlers, who, within six years from the date of the concession have not cultivated or occupied the lands granted them, according to its quality, shall be considered to have renounced them, and the respective political authorities shall proceed to take possession of them and recall the titles.

Taxes, Tithes, &c.

By Art. 24 of the Law of the Mexican Republic of the 4th January, 1823, during six years from the date of the concession, the colonists shall not pay tithes or duties on their produce, nor any contribution, under whatever name it may be called. By

Art. 25 of the same Law, the next six years from the same date, they shall pay half tithes and the half of the contributions, whether direct or indirect, that are paid by the other citizens of the empire. After this time, they shall in all things, relating to taxes and contributions, be placed on the same footing with the other citizens. By

Art. 32 of the Law of Coahuila and Texas, of the 24th March, 1825, colonists during the first *ten years*, counting from the day of the establishment of the new settlement, shall be free from all contributions of whatever denomination, except such as are generally imposed, in case of invasion or to prevent it; and all the produce of agriculture or industry of the new settlers shall be free from excise, &c., but subject, after that period, like all others in the state. By

Art. 33 from the day of their settlement they can pursue any branch of industry, and can work mines, &c., subjecting themselves to the usual taxes, &c., on that branch of industry.

Art. 43. Municipal expenses, and all others which may be

considered necessary for the new towns, shall be proposed to the government by the Ayuntamiento, and if approved by the Legislature, order it executed, &c.

Citizenship and Naturalization.

By Art. 27 of the Law of the Mexican Republic, of the 4th January, 1823, all foreigners, who come to establish themselves within the empire, shall be considered as naturalised, should they exercise any useful profession or industry, by which, at the end of three years, they have a capital to support themselves with decency and are *married*. Those who, with the foregoing qualifications, marry Mexicans, will acquire particular merit for the obtaining letters of citizenship.

Art. 28. Congress will grant letters of citizenship to those who solicit them, in conformity with the constitution of the empire.

Art. 31. *Foreigners* who established themselves under a former government are entitled to the same privilege and will remain on their lands, being governed by the tenor of this law in the distribution of lands. And by Art. 31 of the Law of Coahuila and Texas, having obtained land and established themselves, are from that moment considered naturalised in the country.

Colonists domiciliated out of the limits of the Republic lose title to their lands.

By Art. 15 of the Law of the Mexican Republic, of the 18th August, 1824, a person, who by virtue of this law acquires a title to lands, cannot hold them if he is domiciliated out of the limits of the Republic.

Contracts with Empresarios guaranteed by law.

By Art. 14 of the Law of the Republic of Mexico, of the 18th August, 1824, contracts which the empresarios make with the families which they bring at their own expense, this law guarantees.

Art. 9 of the Law of Coahuila and Texas of the 24th

March, 1825, guarantees all contracts made by contractors, undertakers, or empresarios, with families brought at their expense, so far as they are conformable to its provisions.

Alienation of Lands.

By Art. 29 of the Law of the 4th January, 1823 of the Mexican Republic, every individual shall be free to lease the empire, and can *alienate* the lands over which he may have acquired the right of property, agreeably to the tenor of the law of the 4th January, 1823; and he can likewise take away from the country all his property, by paying the duties established by law. By

Art. 27 of the Law of Coahuila and Texas, passed 24th March, 1825, the contractors and military, heretofore spoken of, and those who by purchase have acquired lands, can alienate them at any time, but the successor is obliged to cultivate them in the same time that the original proprietor was bound to do. The other settlers can alienate theirs when they have wholly cultivated them, and not before. By

Art. 28 of the same Law, by *testamentary will*, in conformity with the existing laws, or those which may govern in future, any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it, and, if he dies *intestate*, his property shall be inherited by the person or persons entitled by the laws to it; the heirs being subject to the same obligation and condition imposed on the original grantee. By

Art. 30 of the same Law, the new settler who, wishing to establish himself in a foreign country, resolves to leave the territory of the State, can do so freely, with all his property; but after leaving the State, he shall not any longer hold his land, and if he had not previously sold it, or the sale should not be in conformity with the 27th article, it shall become entirely vacant.

All persons obtaining land from the Government obliged to take an oath to support the constitution. Residence of six years, and some small improvement, requisite to perfect title.

Under law of March, 1834, settlers empowered to sell the land before actual settlement or cultivation, but the second purchaser bound to do both, within six years from date of original title, or forfeit his land.

Lands shall not pass into Mortmain.

By Art. 29 of the Act of Coahuila and Texas, of the 24th March, 1824, lands acquired by virtue of this law shall not, by any title whatever, pass into mortmain. And by

Art. 13 of the Act of the Mexican Republic, of the 18th August, 1824, the new colonists shall not transfer their property in mortmain.

Articles free of Duty.

By Art. 26 of the Law of the Mexican Republic, of the 4th January, 1824, all the instruments of husbandry, machinery, and other utensils that are introduced by the Colonists for their use, at the time of their coming to the empire, shall be free, as also the merchandise introduced by each family, to the amount of 2,000 dollars.

By Art. 12 of the Law of the Mexican Republic, of the 6th of April, 1830, for and during the term of four years, the coasting trade shall be free to Foreign vessels for transportation of produce of the Colonists, to the ports of Matamoras, Tampico, and *Vera Cruz*; and by Art. 13 of the same Act, for and during the term of two years, the introduction of *frame houses*, and of every kind of foreign provisions shall be admitted into the ports of Galveston and Matagorda free of duty.

Slavery.

By Art. 30 of the Law of the Mexican Government, of the 4th January, 1823, after the publication of said Law, there can be no sale or purchase of slaves, which may be introduced into the Empire. The children of slaves, born in the empire, shall be free at fourteen years of age. By the Laws of Coahuila and Texas, passed 24th March, 1824, Art. 46, new settlers, as regards the introduction of slaves,

shall subject themselves to the existing Laws, and those which may hereafter be established. And by a Law of the Congress of Coahuila and Texas, passed the 23d of March, 1831, there shall be formed in each town a *Register* of the *Slaves*, with a statement of their ages, names, and sexes.

Art. 2. A *Register* shall be kept of the birth of children of slave parents, since the publication of the Constitution, giving an account thereof to the government every three months. And in like manner an account of the death of slaves.

Art. 4. Importers of slaves, after the expiration of the time mentioned in the 13th Art. of the Constitution (11th September, 1827), will be subject to the penalties established by the General Law of the 13th July, 1824.

Art. 5. Slaves are free on the death of their owner, who has no lineal heirs (except owners are poisoned or assassinated by one of the slaves). And in case of descent by lineal heirs, one-tenth are free; to be determined by lot. By

Art. 9 the free children of slaves shall receive a good education, and be bound out to trades by the Ayuntamiento; and by Art. 10 a fine of 500 dollars is imposed on the Ayuntamiento which neglects to see the law enforced.

By Art. 10 of the General Law of the Mexican Republic, of the 6th April, 1830, no change can be made with respect to Colonies already established, nor slaves they contain, but the prevention of the further admission of slaves shall be exacted under the strictest responsibilities.

Settlers not to hold more than Eleven Leagues.

By Art. 12 of the Law of the Mexican Republic, of the 18th August, 1824, it shall not be permitted to unite in the same hands, with the right of property, more than one *league square* of land suitable for irrigation; four square leagues in superficies of arable land, without the facilities of irrigation, and six square leagues in superficies of grazing land.

Indians.

By Art. 19 of the Law of Coahuila and Texas, of the 24th March, 1825, *Indians* of all Nations, bordering on the State,

as well as wandering tribes within its limits, shall be received in the market, without paying any duties on the products of the country; and if they declare in favour of our religion and institutions, they shall be entitled to the same quantity of land as spoken of in the 14th and 15th articles, always *preferring* native Indians to strangers.

Titles to land—how obtained.

By Art. 4 of the Instructions to Commissioner appointed by the State, on the 4th September, 1827, the said Commissioner shall issue in the name of the State, the titles for lands in conformity with the law, and put the new Colonists in possession of their lands with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

Records of Land.

By Art. 8 of Instructions to Commissioner, of the 4th September, 1827, the Commissioner shall form a manuscript book of paper of the 3rd stamp, in which shall be written the titles of lands distributed to the Colonists, specifying the names, the boundaries, and other requisites and legal circumstances, and a certified copy of each title shall be taken from said book of the 2nd stamp, which shall be delivered to the interested person, as his title. The settler to pay the value of the stamp paper both for the original and copy.

Art. 10. This book shall be preserved in the archives of the new Colony, and an exact form of it shall be transmitted to the Government, with every legal requisite.

Witnesses.

By Art. 26 of Instruction to the State Commissioner, of the 4th September, 1827, all public instruments, titles, or other documents, issued by the Commissioner, shall be attested by two assistant witnesses.

Surveyors appointed by Commissioner.

By Art. 7 of Instruction to Commissioner, of the 4th Sep-

tember, 1827, the Commmissioner shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, under oath, &c.

Art. 6. The Commissioner shall take care that no vacant lands be left between possessions; and in order that the lines of each may be clearly designated, he shall compel the Colonists, within the term of one year, to mark their lines, and to establish fixed and permanent corners.

Houses to be constructed within a limited time.

By Art. 18 of Instruction to Commissioner, of the 4th September, 1827, he shall cause the holders of Town lots to construct houses on said lots within a limited time, under the penalty of forfeiting them.

Amount to be paid by New Settlers to the State.

By Art. 22 of the Law of Coahuila and Texas, of the 24th of March, 1825, as an acknowledgment, the new settler shall pay to the State for each *sitio* of pasture land, 30 dollars; two dollars and a half for each *labor*, without the facility of irrigation, and 3.50 dollars for each one that can be irrigated, and so on, proportionally, according to the quantity and quality of the land distributed; to be paid, one-third in four, one-third in five, and one-third in six years, under the penalty of losing the land on failure of either payment. (Are excepted from this payment the *Contractors*, on account of their premium, and the *Military*, for lands obtained by their Diplomas.) The payments above referred to, to be made to the Ayuntamiento, &c.

By Art. 25 of the same Law, the price cannot be altered by the Legislature, nor as regards the quantity and quality, under six years.

Fees of Commissioner and Surveyor.

The Governor, by Art. 39 of the Act of the Legislature of Coahuila and Texas, of the 24th March, 1825, designates

the fees of the Commissioner, who, in conjunction with the Colonists, shall fix the Surveyor's fees, both to be paid by the Colonist.

Executive may sell or lease Lands.

By Art. 32 of the Law of the Mexican Republic, of the 4th of January, 1823, the Executive, as it may deem necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed, in respect of all others, by the provisions of this law.

Government may use Lands for National Defence.

By Art. 5 of the Law of the Mexican Republic, of the 4th January, 1823, should the Government deem it necessary to use any of the coast or border lands for the construction of warehouses, arsenals, or any other public edifice, they can do so with the approbation of the General Congress, or in its recess, of the Council of Government. And by the law of the Mexican Congress, of the 18th August, 1824, the Executive is empowered to take possession of (any) lands (in new colonies) that may be suitable for fortifications and arsenals for new colonies, indemnifying the State by a deduction from the debt due by such State to the Federation.

Commissioner to preside at all Popular Elections.

By Art. 23 of Instruction to Commissioner, by the law of Coahuila and Texas, of the 4th September, 1827, the Commissioner is to preside at all popular elections mentioned in the 40th Art. of the Colonization Law, for the appointment of the Ayuntamiento, and shall put the elected in possession of their offices.

Ferries.

By Art. 21 of the Law of Coahuila and Texas, of the 4th September, 1827, the Commissioner shall see that on the crossing of each of the rivers on the public roads where a town is founded, a Ferry is established at the cost of the inhabitants of said town: a moderate rate of ferriage shall be

established to pay the salary of the ferryman and the cost of necessary boats, and the balance shall be applied to the public funds of the town.

By Art. 22, in places where there are no towns, and where Ferries are necessary, the Colonist who is settled there shall be charged with the establishment of the Ferry, collecting a moderate ferriage until such Ferry is rented out for the use of the State.—He shall form an exact and certified account of all expenses, and also of the amount received—and if he has not received the amount disbursed, he is entitled to receive the balance due to him when the Ferry is surrendered to the State.

Spanish Language.

By Art. 26 of Instruction to Commissioners, by the Act of the Legislature of Coahuila and Texas, of the 4th September, 1827, all public instruments, titles, or other documents issued by the Commissioner, shall be written in *Spanish;* the memorials, report, and decrees of the Colonists, or Empresarios, on any subject whatever, shall be written in the same language, whether they are to be transmitted to Government or preserved in the archives of the colony.

Mexican Families.

By Art. 7 of the Act of the Mexican Congress, of the 6th April, 1830, Mexican Families who may voluntarily desire to become Colonists, shall be conveyed free of expense, subsisted during the first year, and receive a grant of land and the necessary implements of husbandry. They must conform to the laws of Colonization of the Federation and State in which they are settled.

Convicts removed to New Colonies.

By Arts. 5 and 6 of the Law of the Mexican Republic, of the 6th of April, 1830, Government may cause such number of convicts, destined for Vera Cruz and other places, as it may deem proper to be conducted to the colonies it may estab-

lish, to be employed in constructing fortifications, public buildings, and roads, which the respective Commissions may deem necessary, and at the expiration of service the convicts shall be furnished with land, if they desire to become colonists, subsistence for one year, and implements of husbandry: Government will pay the expense of such families as may desire to accompany them.

Government to appoint Agents to visit New Colonies.

By Art. 3 of the Laws of Mexico, of the 6th April, 1830, the Government shall appoint one or more Commissioners to visit the Colonies of the frontier States; to contract with the Legislatures of those States for the purchase, by the nation, of lands for the establishment of New Colonies of Mexicans and Foreigners; to make arrangements for the security of the Republic within the Colonies already established; to watch over the exact compliance of the contracts on the entrance of new colonists, and to investigate how far the contracts already made have been complied with.

Foreigners.

By Art. 7 of the Law of the Mexican Republic, of the 18th of August, 1824, until after the year 1840 the General Congress shall not prohibit the entrance of any foreigner, as a colonist, unless imperious circumstances should require it, with respect to the individuals of a particular nation.

By Art. 8 of the same Law, Government, without prejudicing the objects of this law, shall take such precautionary measures as it may deem expedient for the security of the *confederation*, as respects the foreigners who come to colonize.

Government authorised to expend 500,000 *dollars for Fortifications.*

By Art. 14 of the Law of Mexico, of the 6th of April, 1830, the Government is authorised to expend five hundred thousand dollars on the construction of fortifications and public buildings on the frontier, in the transportation of convicts and Mexican families to the new colonies, in the sub-

sistence of such during one year, in implements of husbandry, transportation of troops, and premiums to agriculturists who may distinguish themselves in the colonies, and for the general purpose contemplated by the foregoing articles. The twentieth part of duties received on coarse cotton goods shall be employed to encourage cotton manufactories, by purchasing looms, machinery, &c., by furnishing small sums to aid in their establishment, to be apportioned among the States where this branch of industry exists, to be placed at the disposition of the Minister of Marine.

Executive can grant Lands to the Military.

By Art. 10 of the Law of Mexico, of the 18th of August, 1824, the military, who, in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to, by the States, in conformity to the diplomas which are issued to that effect by the Supreme Executive Power; and by Art. 11 of the same Act, in virtue of the last article, and taking into consideration the probability of life, if the Supreme Executive Power should deem it expedient to alienate any portion of lands in favour of any officer, civil or military, of the *Federation*, it can do so from the *vacant lands* of the territories.

Public Works.

Art. 44 of the Law of Coahuila and Texas, of the 24th March, 1825. For the opening and improving of Roads, and other *Public Works*, in Texas, the Government will transmit to the chief of that department the individuals who in other parts of the State may have been sentenced to public works as vagrants, or for other crimes; and as soon as their term of condemnation has expired, they can unite themselves as settlers and obtain lands, if within the opinion of the Political Chief their reformation has made them worthy of such favour, without whose certificate they shall not be admitted.

Special Exemptions.

Law of Coahuila and Texas, 13th January, 1829, provides

that until twelve years after possession, the lands acquired by virtue of the colonization laws, whether they be the general lands of the nation or particular lands of the state, by national or foreign colonists, or empresarios, shall not be subject to the payment of debts contracted previous to the acquisition of said lands, whatever may be the origin of said debts. After the expiry of twelve years, although the empresarios and colonists are open to the demand of such debts, they are not obliged to pay them with said lands, farming utensils, or instruments of their trade or merchandise.

Mode of Application.

By a Decree of the Congress of Coahuila and Texas, dated the 27th of March, 1831, it is decreed that any person petitioning Government for land, or using documents requiring stamped paper, must apply by himself or by proxy in order to secure the fees to Government, otherwise his application will receive no attention.

APPENDIX.—No. IV.

DECLARATION

OF THE

PEOPLE OF TEXAS,

AND

PROVISIONAL GOVERNMENT,

PROCLAIMED AND ADOPTED IN

GENERAL CONVENTION,

HELD AT SAN FELIPE DE AUSTIN, NOVEMBER 3, 1835.

Declaration of the People of Texas in General Convention assembled.

WHEREAS General Antonio Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican Confederacy: now, the good People of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE—

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the Republican Principles of the Federal Constitution of Mexico of eighteen hundred and twenty-four.

2nd. That Texas is no longer, morally or civilly, bound by the Compact of Union; yet, stimulated by the gene-

rosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican Confederacy as will take up arms against military despotism.

3rd. That they do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities, whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the Federal System, and the reign of despotism, to withdraw from the Union, to establish an independent Government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican Government so long as that nation is governed by the Constitution and laws that were formed for the government of the Political Association.

6th. That Texas is responsible for the expenses of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward by donations in land all who volunteer their services in her present struggle, and receive them as citizens.

These DECLARATIONS we solemnly avow to the world, and call GOD to witness their truth and sincerity; and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity.

Plan and Powers of the Provisional Government of Texas.

ARTICLE I.

That there shall be, and there is hereby created, a Provisional Government for Texas, which shall consist of a Governor, a Lieutenant-Governor, and a General Council, to be

elected from this body, one member from each municipality, by the majority of each separate delegation present; and the Governor and Lieutenant-Governor shall be elected by this body.

ARTICLE II.

The Lieutenant-Governor shall be President of the Council, and perform the duties of Governor in case of death, absence, or from other inability of the Governor, during which time a President, "*pro tem.*," shall be appointed to perform the duties of the Lieutenant-Governor in Council.

ARTICLE III.

The duties of the General Council shall be to devise ways and means, to advise and assist the Governor in the discharge of his functions: they shall pass no laws except such as, in their opinion, the emergency of the country requires—ever keeping in view the army in the field, and the means necessary for its comfort and support: they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence. Two-thirds of the members elect of the General Council shall form a quorum to do business; and, in order that no vacancy shall happen in the Council, if any member, from death or other casualty, shall be incapacitated to act, the Governor shall immediately, on information thereof, notify the member elected to fill the place; and on his default, any member who has been elected to this body from the same jurisdiction.

The Governor and Council shall be authorized to contract for loans, not to exceed one million of dollars, and to hypothecate the public lands, and pledge the faith of the country for the security of the payment: that they have power to impose and regulate import and tonnage duties, and provide for their collection under such regulations as may be most expedient. They shall have power, and it is hereby made the duty of the Governor and Council, to treat with the several tribes of Indians concerning their land claims, and if possible, to secure their friendship.

They shall establish post-offices and post-roads, and regulate the rates of postage, and appoint a Postmaster-General, who shall have competent power for conducting this department of the Provisional Government, under such rules and regulations as the Governor and Council may prescribe: they shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high Courts of Admiralty, agreeably to the Law of Nations.

They shall have power to appoint their own Secretary, and other officers of their own body; also, they shall have the power to create and fill such offices as they may deem proper: provided, nevertheless, that this power do not extend to officers heretofore rejected by this House.

That the Governor and Council have power to organize, reduce, or increase the regular forces, as they may deem the emergencies of the country require.

ARTICLE IV.

The Governor for the time being, and during the existence of the Provisional Government, shall be clothed with full and ample executive powers, and shall be Commander-in-Chief of the army and navy, and of all the military forces of Texas, by sea and land; and he shall have full power by himself, by and with the consent of the Council, and by his proper commander or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the country, to assemble in martial array and put in warlike attitude the inhabitants thereof; and to lead and conduct them by his proper officers, and with them to encounter, repel, resist, and pursue by force of arms, as well as by sea, and by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer by all proper means and enterprises whatsoever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprise the destruction of our liberties, or the invasion, detriment, or annoyance of the country; and by his proper officers, use and exercise over the army and navy, and the militia in actual service, the law martial in time of war,

invasion, or rebellion; and to take and surprise, by all honourable ways and means consistent with the law of nations, all and every such person or persons, with their ships, arms, ammunition, and goods, as shall, in a hostile manner, invade or attempt the invading or annoying our adopted country; and that the Governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

ARTICLE V.

There shall be constituted a provisional Judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the latter to act only in the absence or inability of the first, and be nominated by the Council and commissioned by the Governor.

ARTICLE VI.

Every Judge, so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognised and known to the common law of England; he shall have power to grant writs of "habeas corpus" in all cases known and practised to and under the same laws; he shall have power to grant writs of sequestration, attachment, or arrest, in all cases established by the "Civil Code" and "Code of Practice" of the State of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases; and shall also be made a Court of Records for conveyances which may be made in English, and not on stamped paper; and that the use of stamped paper be, in all cases, dispensed with; and shall be the "Notary Public" for the respective Municipalities; all office fees shall be regulated by the Governor and Council. All other civil proceedings at law shall be suspended until the Governor and General Council shall otherwise direct. Each Municipality shall continue to elect a sheriff, alcalde, and other officers of Ayuntamientos.

ARTICLE VII.

All trials shall be by jury, and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common law of England; and the penalties prescribed by said law, in case of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict to make application to the Governor and Council.

ARTICLE VIII.

The officers of the Provisional Government, except such as are elected by this house or the people, shall be appointed by the General Council, and all officers shall be commissioned by the Governor.

ARTICLE IX.

All Commissions to officers shall be, "in the name of the people, free and sovereign," and signed by the Governor and Secretary; and all pardons and remissions of fines granted, shall be assigned in the same manner.

ARTICLE X.

Every officer and member of the Provisional Government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the Constitution of Mexico of 1824, and obey the Declarations and Ordinances of the Consultation of the chosen Delegates of all Texas in General Convention assembled, and the Ordinances and Decrees of the Provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, and to the best of my abilities, so help me God."

ARTICLE XI.

On charges and specifications being made against any officer of the Provisional Government for malfeasance or misconduct in office, and presented to the Governor and Council, a

fair and impartial trial shall be granted, to be conducted before the General Council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the Governor.

ARTICLE XII.

The Governor and Council shall organize and enter upon their duties immediately after the adjournment of this House, and hold their sessions at such times and places as, in their opinion, will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

ARTICLE XIII.

The General Council shall appoint a Treasurer, whose duties shall be clearly defined by them, and who shall give approved security for their faithful performance.

ARTICLE XIV.

That all Land Commissioners, Empresarios, Surveyors, or persons in anywise concerned in the location of land, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land offices can be properly systematized by the competent authorities which may be hereafter established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices and deposite the same in safe places, secure from the ravages of fire or devastations of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the Governor and Council, one left in the hands of the officers of the land office, the other to be retained by the said persons: and they are enjoined to hold the said papers and documents in safe custody, subject only to the orders of the Provisional Government, or some such competent authority as may hereafter

be created. And the said persons shall be three from each Department as Commissioners to be forthwith appointed by this House, to carry this resolution into full effect, and report thereof to the Governor and Council. That the Political Chiefs immediately cease their functions. The different archives of the different primary Judges, Alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election and appointment; and the archives of the several Political Chiefs of Nacogdoches, Brazos, and Bexar shall be transmitted forthwith to the Governor and Council, for their disposition.

ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the Laws on Colonization under which they emigrated; and all persons who may emigrate to Texas during her conflict for Constitutional Liberty, and perform the duties of Citizens, shall also receive the benefit of the Law under which they emigrated.

ARTICLE XVI.

The Governor and Council shall continue to exist as a Provisional Government until the re-assembling of this Consultation, or until other Delegates are elected by the people, and another Government established.

ARTICLE XVII.

This Convention, when it may think proper to adjourn, may stand adjourned, to meet at the town of Washington on the first day of March next, unless sooner called by the Executive and Council.

ARTICLE XVIII.

All grants, sales, and conveyances of lands, illegally or fraudulently made by the legislature of the State of Coahuila and Texas, located, or to be located, within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the Alcalde or Judge of their Municipality, shall forfeit all or any lands they may hold, or may have claim to, for the benefit of this Government: *provided*, nevertheless, that widows and minors are not included in this provision.

ARTICLE XX.

All moneys now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the Governor and General Council, and the receipt of the Treasurer shall be a sufficient voucher for any and all persons who may pay moneys into the Treasury; and the Governor and Council shall have power to adopt a system of revenue to meet the exigencies of the country.

ARTICLE XXI.

Ample powers and authority shall be delegated, and are hereby given and delegated, to the Governor and General Council of the Provisional Government of all Texas, to carry into full effect the provisions and resolutions adopted by "the Consultation of the chosen Delegates of all Texas in General Convention assembled," for the creation, establishment, and regulation of said Provisional Government.

OF THE MILITARY.

ARTICLE I.

There shall be a Regular Army created for the protection of Texas during the present war.

ARTICLE II.

The Regular Army of Texas shall consist of one Major-General, who shall be Commander-in-Chief of all the forces called into public service during the war.

ARTICLE III.

The Commander-in-Chief of the Regular Army of Texas shall be appointed by the Convention, and commissioned by the Governor.

ARTICLE IV.

He shall be subject to the orders of the Governor and Council.

ARTICLE V.

His Staff shall consist of one Adjutant-General, one Inspector-General, one Quartermaster-General, one Paymaster-General, one Surgeon-General, and four Aides-de-Camp with their respective ranks, as in the United States Army in time of war, to be appointed by the Major-General and commissioned by the Governor.

ARTICLE VI.

The Regular Army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ARTICLE VII.

The Regular Army of Texas, while in the service, shall be governed by the rules, regulations, and discipline, in all respects applicable to the regular army of the United States of America in time of war, so far as applicable to our condition and circumstances.

ARTICLE VIII.

The Regular Army of Texas shall consist of eleven hundred and twenty men rank and file.

ARTICLE IX.

There shall be a corps of Rangers under the command of a Major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion, under the Commander-in-Chief when in the field.

ARTICLE X.

The Militia of Texas shall be organised as follows: all able-bodied men over sixteen, and under fifty years of age, shall be subject to Militia duty.

ARTICLE XI.

Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant to every fifty-six men.

ARTICLE XII.

When said election shall have taken place, the judges shall certify to the Governor forthwith the names of the respective officers elected, who shall, as soon as practicable, make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality more than three companies, the Captains or Commandants, on giving due notice thereof, shall call together the subalterns of said companies, and proceed to elect one Major; if of four companies, one Lieutenant-Colonel; if of five or more companies, one Colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall on due notice proceed to elect a Brigadier-General out of their number, who shall command the whole Militia in said municipality.

BRANCH TANNER ARCHER, President.

APPENDIX.—N°. V.

THE DECLARATION OF INDEPENDENCE

MADE BY THE

DELEGATES OF THE PEOPLE OF TEXAS,

IN

GENERAL CONVENTION, AT WASHINGTON,

ON MARCH 2, 1836.

When a government has ceased to protect the lives, liberty, and property of the People, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression—When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of Sovereign States, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants—When, long after the spirit of the Constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the Constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dun-

geons, and mercenary armies sent forth to enforce a new government upon them at the point of the bayonet—

When, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements—in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the People to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the general opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connexion with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its Colonization Laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and Republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers to us the cruel alternatives, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a

far distant seat of government, by a hostile majority, in an unknown tongue, and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate State government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a Republican Constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavour to procure the acceptance of our Constitution, and the establishment of a State government.

It has failed and refused to secure, on a firm basis, the right of Trial by Jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of Education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant parts for confiscation.

It denies us the right of worshipping the Almighty ac-

cording to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connexion with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the National Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, *therefore, the delegates, with plenary powers, of the people of Texas, in solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a* FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, *and are fully invested with all the rights*

and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme Arbiter of the destinies of nations.

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

APPENDIX.—No. VI.

EXECUTIVE ORDINANCES,

PRELIMINARY TO THE ESTABLISHMENT

OF A

CONSTITUTION FOR TEXAS,

ADOPTED IN CONVENTION

AT

WASHINGTON,

16th MARCH, 1836.

WHEREAS, we, the people of Texas, through our delegates in General Convention assembled, for the purpose of framing a Constitution, and organizing a Government under that Constitution, free, sovereign, and independent; and finding, from the extreme emergency of the case, and our critical situation, that it is a duty we owe to our fellow-citizens and ourselves, to look upon our present danger with a calmness unruffled and a determination unsubdued; and at the same time to pursue a prompt and energetic course, for the support of our liberty and protection of our property and lives; therefore,

1st. Resolved—That we deem it of vital importance to forthwith form, organize, and establish a Government, "*ad interim*," for the protection of Texas, which shall have full, ample and plenary powers to do all and every thing which is contemplated to be done by the general Congress of the people, under the powers granted to them by the constitution, saving and excepting all legislative and judicial acts.

2nd. Resolved—That said Government shall consist of a chief executive officer, to be styled the "President of the Republic of Texas;" a Vice-President, Secretary of State, Secretary at War, Secretary of the Navy, Secretary of the Treasury, and Attorney-General, whose salaries shall be fixed and determined by the first Congress of the Republic.

3rd. Resolved—That all questions touching the powers hereby confided to these officers, shall be decided by a majority of said officers.

4th. Resolved—That the President be elected by this Convention: and that the candidate or individual having a majority of the whole number of votes given in, shall be, and is hereby declared to be duly elected.

5th. Resolved—That the Vice-President, the aforesaid Secretaries and Attorney-General, be elected by this Convention, a majority of the whole number of votes being requisite to a choice.

6th. Resolved—That the members of this body vote for the above-named officers "*viva voce.*"

7th. Resolved—That the officers so selected, be required to take the oath prescribed by the Constitution.

8th. Resolved—That the President, by and with the advice and consent of a majority of his cabinet, shall have the appointment of all officers, civil, military, and naval, for and during the existence of the Government "*ad interim.*"

9th. Resolved—That the Government aforesaid, shall be invested, and they are hereby invested with full powers to create a loan, not to exceed one million of dollars; and to pledge the faith and credit of the Republic, and the proceeds of the sale of the public lands, for the repayment of the same, with the interest thereon.

10th. Resolved—That the President and his cabinet shall have full power to appropriate the funds of Texas to the defence of the country, by raising and supporting the army and navy, making fortifications, &c.

11th. Resolved—That said officers hold their offices until their successors are chosen and qualified.

12th. Resolved—That the President by and with the ad-

vice and consent of his cabinet, shall have power to issue writs of election for senators and representatives, at an earlier day than that fixed by the Constitution, and convene them as soon after the election as may be convenient.

13th. Resolved—That the said Government have ample and plenary powers to enter into negotiations and treaties with foreign powers.

14th. Resolved—That the President and his cabinet have power to appoint commissioners to any foreign power.

The foregoing fourteen resolutions were adopted in Convention of the people of Texas, assembled at the town of Washington, on the sixteenth day of March, in the year of our Lord one thousand eight hundred and thirty-six.

RICHARD ELLIS,

President of the Convention.

Attest, A. S. KIMBLE, Secretary.

APPENDIX.—No. VII.

CONSTITUTION

OF

THE REPUBLIC OF TEXAS.

We, the people of Texas, in order to form a Government, establish justice, ensure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution.

ARTICLE I.

Sec. 1. The powers of this government shall be divided into three departments, viz.:—Legislative, Executive, and Judicial, which shall remain for ever separate and distinct.

Sec. 2. The Legislative power shall be vested in the Senate and House of Representatives, to be styled the Congress of the Republic of Texas.

Sec. 3. The members of the House of Representatives shall be chosen annually, on the first Monday of September each year, until Congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

Sec. 4. No person shall be eligible to a seat in the House of Representatives until he shall have attained the age of twenty-five years, shall be a citizen of the Republic, and shall have resided in the county or district six months next preceding his election.

Sec. 5. The House of Representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls,

after which time the whole number of Representatives shall not be less than forty nor more than one hundred. Provided, however, that each county shall be entitled to at least one Representative.

Sec. 6. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Sec. 7. The Senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted) as practicable, and the number of Senators shall never be less than one-third nor more than one-half the number of Representatives, and each district shall be entitled to one member and no more.

Sec. 8. The Senators shall be chosen for the term of three years, on the first Monday in September,—shall be citizens of the Republic, reside in the district for which they are respectively chosen at least one year before the election, and shall have attained the age of thirty years.

Sec. 9. At the first session of Congress after the adoption of this Constitution, the Senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the Senators of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, the third class at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

Sec. 10. The Vice-President of the Republic shall be President of the Senate, but shall not vote on any question, unless the Senate be equally divided.

Sec. 11. The Senate shall choose all other officers of their body, and a President, *pro tempore,* in the absence of the Vice-President, or whenever he shall exercise the office of President; shall have the sole power to try impeachments, and when sitting as a Court of Impeachment, shall be under oath; but no conviction shall take place without the concurrence of two-thirds of all the members present.

Sec. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honour, trust, or profit, under this government; but

the party shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

Sec. 13. Each House shall be the judge of the elections, qualifications, and returns of its own members. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members.

Sec. 14. Each House may determine the rules of its own proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, may expel a member, but not a second time for the same offence.

Sec. 15. Senators and Representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation or diminution shall take effect during the session at which such increase or diminution shall have been made. They shall, except in case of treason, felony, or breach of the peace, be privileged from arrest during the session of Congress, and in going and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 16. Each House may punish, by imprisonment during the session, any person not a member, who shall be guilty of any disrespect to the House by any disorderly conduct in their presence.

Sec. 17. Each House shall keep a journal of its proceedings, and publish the same, except such part as, in its judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

Sec. 18. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

Sec. 19. When vacancies happen in either House, the Executive shall issue writs of election to fill such vacancies.

Sec. 20. No bill shall become a law until it shall have been read on three several days in each House and passed by the same, unless, in cases of emergency, two-thirds of the mem-

bers of the House where the bill originated, shall deem it expedient to dispense with the rule.

Sec. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 22. The style of the laws of the Republic shall be, "Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled."

Sec. 23. No person holding an office of profit under the Government shall be eligible to a seat in either House of Congress, nor shall any member of either House be eligible to any office which may be created, or the profits of which shall be increased, during his time of service.

Sec. 24. No holder of public monies, or collector thereof, shall be eligible to a seat in either House of Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either House may protest against any act or resolution, and may have such protest entered on the journals of their respective Houses.

Sec. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two-thirds of each House concur in such appropriations.

Sec. 26. Every Act of Congress shall be approved and signed by the President before it becomes a law; but if the President will not approve and sign such Act, he shall return it to the House in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such House, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two-thirds of both houses. If any Act shall be disapproved by the President, the vote on the reconsideration shall be recorded by ayes and noes. If the President shall fail to return a bill within five days (Sunday excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the Congress prevent its return within the time above specified by adjournment.

Sec. 27. All bills, acts, orders, or resolutions to which the concurrence of both Houses may be necessary (motions or resolutions for adjournment excepted), shall be approved and signed by the President, or being disapproved, shall be passed by two-thirds of both Houses, in manner and form as specified in Sec. 20.

ARTICLE II.

Sec. 1. Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties, to borrow money on the faith, credit, and property of the Government, to pay the debts, and to provide for the common defence and general welfare of the Republic.

Sec. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

Sec. 3. To established post offices and post roads, to grant charters of incorporation, patents, and copyrights, and secure to the authors and inventors the exclusive use thereof, for a limited time.

Sec. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

Sec. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

Sec. 6. To call out the militia to execute the law, to suppress insurrections and repel invasion.

Sec. 7. To make all laws which shall be deemed neces sary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the government of the Republic, or in any officer or department thereof.

ARTICLE III.

Sec. 1. The Executive authority of this government shall be vested in a chief magistrate, who shall be styled The President of the Republic of Texas.

Sec. 2. The first President elected by the people shall hold

his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent Presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the House of Representatives shall determine the two highest candidates by viva voce vote.

Sec. 3. The returns of the elections for President and Vice President shall be sealed up and transmitted to the Speaker of the House of Representatives by the holders of elections of each county; and the Speaker of the House of Representatives shall open and publish the returns in presence of a majority of each House of Congress.

ARTICLE IV.

Sec. 1. The Judicial powers of the Government shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time, ordain and establish. The judges of the Supreme and Inferior Courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation not be increased or diminished during the period for which they were elected.

Sec. 2. The Republic of Texas shall be divided into convenient judicial districts, not less than three nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as Congress may by law direct.

Sec. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

Sec. 4. The judges, by virtue of their offices, shall be conservators of the peace, throughout the Republic. The style of all process shall be, "The Republic of Texas;" and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, "against the peace and dignity of the Republic."

Sec. 5. There shall be a district attorney appointed for each district, whose duties, salaries, perquisites, and term of service shall be fixed by law.

Sec. 6. The clerks of the district courts shall be elected by the qualified voters for members of Congress in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

Sec. 7. The supreme court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

Sec. 8.—The supreme court shall have appellate jurisdiction only, which shall be conclusive, within the limits of the Republic; and shall hold its session annually, at such times and places as may be fixed by law; provided, that no judges shall sit in a case in the supreme court tried by him in the court below.

Sec. 9. The judges of the supreme and district courts shall be elected by joint ballot of both Houses of Congress.

Sec. 10. There shall be in each county a county court, and such justices' courts as the Congress may from time to time establish.

Sec. 11. The Republic shall be divided into convenient counties, but no new county shall be established unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established, and unless the said territory shall contain nine hundred square miles.

Sec. 12. There shall be appointed for each county a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as Congress may direct. Justices of the peace and sheriffs shall be commissioned by the President.

Sec. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England, with such

modifications as our circumstances, in their judgment, may require; and in all criminal cases, the common law shall be the rule of decision.

ARTICLE V.

Sec. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to the office of the Executive of the Republic, nor to a seat in either branch of the Congress of the same.

Sec. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath to support the Constitution, as follows:

"I, A. B., do solemnly swear (or affirm, as the case may be), that, as a member of this general Congress, I will support the Constitution of the Republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people."

Sec. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the Constitution of the Republic, and also an oath of office.

ARTICLE VI.

Sec. 1. No person shall be eligible to the office of President who shall not have attained the age of thirty-five years, shall be a citizen of the Republic at the time of the adoption of the Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

Sec. 2. The President shall enter on the duties of his office on the second Monday in December next suceeding his election, and shall remain in office until his successor shall be duly qualified.

Sec. 3. The President shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation:

"I, A. B., President of the Republic of Texas, do solemnly and sincerely swear (or affirm, as the case may be), that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect, and defend the Constitution of the Republic."

Sec. 4. He shall be Commander-in-chief of the army and navy of the Republic, and militia thereof, but he shall not command in person, without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment.

Sec. 5. He shall, with the advice and consent of two-thirds of the Senate, make treaties; and with the consent of the Senate, appoint ministers and consuls, and all officers whose offices are established by the Constitution, not herein otherwise provided for.

Sec. 6. The President shall have power to fill all vacancies that may happen during the recess of the Senate; but he shall report the same to the Senate within ten days after the next Congress shall convene; and should the Senate reject the same, the President shall not re-nominate the same individual to the same office.

Sec. 7. He shall, from time to time, give Congress information of the state of the Republic, and recommend for their consideration such measures as he may deem necessary. He may, upon extraordinary occasions, convene both Houses, or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully executed, and shall commission all the officers of the Republic.

Sec. 8. There shall be a seal of the Republic, which shall be kept by the President, and used by him officially; it shall be called the great seal of the Republic of Texas.

Sec. 9. All grants and commissions shall be in the name and by the authority of the Republic of Texas, shall be sealed with the great seal, and signed by the President.

Sec. 10. The President shall have power, by and with the

advice and consent of the Senate, to appoint a Secretary of State, and such other heads of executive departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

Sec. 11. Every citizen of the Republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the general Congress.

Sec. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

Sec. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

Sec. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for the same time, and shall possess the same qualifications as the President. In voting for President and Vice President, the electors shall distinguish for whom they vote as President, and for whom as Vice President.

Sec. 15. In cases of impeachment, removal from office, death, resignation, or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.

Sec. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this Convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, forfeitures, and escheats, which

have accrued to Coahuila and Texas, or Texas, shall accrue to this Republic.

Sec. 3. Every male citizen, who is by this Constitution a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honour, trust, or profit under the Republic; any thing in this Constitution to the contrary notwithstanding.

Sec. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this Constitution; and shall have the same qualifications, be invested with the same powers, and perform the same duties, which are required and conferred on the executive head of the Republic by this Constitution.

Sec. 5. The President shall issue writs of election directed to the officers authorised to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representative, and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successor be duly qualified.

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the precinct of Austin shall be entitled to one representative, the precinct of Brazoria to two representatives, the precinct of Bexar two represenatives, the precinct of Colorado one representative, Sabine one, Gonzales one, Goliad one, Harrisburg one, Jasper one, Jefferson one, Liberty one, Matagorda one, Mina two, Nacogdoches two, Red River three, Victoria one, San Augustine two, Shelby two, Refugio one, San Patricio one, Washington two, Milam one, and Jackson one representative.

Sec. 7. Until the first enumeration shall be made, as de-

scribed by this Constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator, San Patricio, Refugio, and Goliad one, Brazoria one, Mina and Gonzales one, Nacogdoches one, Red River one, Shelby and Sabine one, Washington one, Matagorda, Jackson, and Victoria one, Austin and Colorado one, San Augustine one, Milam one, Jasper and Jefferson one, and Liberty and Harrisburg one Senator.

Sec. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

GENERAL PROVISIONS.

Sec. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

Sec. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

Sec. 3. The Presidents and heads of departments shall keep their offices at the seat of government, unless removed by the permission of Congress, or unless in cases of emergency in time of war, the public interest may require their removal.

Sec. 4. The President shall make use of his private seal until a seal of the Republic shall be provided.

Sec. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide by law a general system of education.

Sec. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

Sec. 7. So soon as convenience will permit, there shall be a penal code formed, on principles of reformation, and not

of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised, and promulgated.

Sec. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the Republic.

Sec. 9. All persons of colour who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude: Provided, the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slave-holder be allowed to emancipate his or her slave or slaves without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress; and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.

Sec. 10. All persons, (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner:—Every head of a family shall be entitled to one league and labor of land; and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, pre-

viously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and *labor,* and one-third of a league, unless by bargain, sale, or exchange, they have transferred or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic; and in such case the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this Republic. But if any citizen of this Republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of, and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the Repub'ic, from any legally authorised commissioner, prior to the act of the late Consultation closing the land offices, shall be valid. In all cases, the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution;—Provided, that nothing herein contained shall prejudice the right of any citizen from whom a settler may hold land by rent or lease.

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this Convention: and whereas the legislature of Coahuila and Texas having passed an act in the year eighteen hundred and thirty-

four, in behalf of General John T. Mason, of New York, and another on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic, which said acts are contrary to articles fourth, twelfth, and fifteenth of the laws of eighteen hundred and twenty-four, of the General Congress of Mexico, and one of said acts, for that cause has, by said General Congress of Mexico, been declared null and void: It is hereby declared that the said act of eighteen hundred and thirty-four, in favour of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts, are hereby declared to be null and void; and all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void; and whereas many surveys and titles to land have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bexar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the people demand that the operations of the land office, and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared, that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorised by this Convention, or some future Congress of the Republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land

office shall be established, where all the land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionised in a manner hereafter to be prescribed by law, which shall enable the officers of the government or any citizen to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

Sec. 11. Any amendment or amendments to this Constitution may be proposed in the House of Representatives or Senate, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the Congress then next to be chosen, and shall be published for three months previous to the election; and if the Congress next chosen as aforesaid, shall pass said amendment or amendments by a vote of two-thirds of all the members elected to each house, then it shall be the duty of said Congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the Congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of Congress voting thereon, such amendment or amendments shall become a part of this Constitution: Provided, however, that no amendment or amendments be referred to the people oftener than once in three years.

DECLARATION OF RIGHTS.

This declaration of rights is declared to be a part of this Constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare that every thing in this bill of rights contained, and every other right not hereby delegated, is reserved to the people.

First.—All men, when they form a social compact, have equal rights, and no man or set of men are entitled to exclusive public privileges or emoluments from the community.

Second.—All political power is inherent in the people, and

all free governments are founded on that authority, and instituted for their benefit: and they have at all times an inalienable right to alter their government in such a manner as they may think proper.

Third.—No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

Fourth.—Every citizen shall be at liberty to speak, write, or publish his opinion on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libel, the truth may be given in evidence, and the jury shall have the right to determine the law and act under the direction of the court.

Fifth.—The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches or seizures, and no warrant shall issue to search any place or seize any person or thing, without describing the place to be searched or the person or thing to be seized, without probable cause, supported by oath or affirmation.

Sixth.—In all criminal prosecutions, the accused shall have the right of being heard, by himself, or counsel, or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favour. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment.

Seventh.—No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Eighth.—No title of nobility, hereditary privileges or honours shall ever be granted or conferred in this Republic. No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office, or emolument of any kind.

Ninth.—No person, for the same offence, shall be twice put in jeopardy of life or limb. And the right of trial by jury shall remain inviolate.

Tenth.—All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in cases of rebellion or invasion, when the public safety may require it.

Eleventh.—Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Twelfth.—No person shall be imprisoned for debt in consequence of inability to pay.

Thirteenth.—No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Fourteenth.—Every citizen shall have the right to bear arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

Fifteenth.—The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature to enact such laws as may be necessary to the organization of the militia of this Republic.

Sixteenth.—Treason against this Republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex post facto law, or laws impairing the obligations of contracts, shall be made.

Seventeenth.—Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed;

nor shall the law of primogeniture or entailment ever be in force in this Republic.

The foregoing Constitution was unanimously adopted by the Delegates of Texas, in Convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic the first.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red River.

C. B. STEWART,
JOHN S. ROBERTS,
JAMES COLLINSWORTH,
ROBERT HAMILTON,
EDWIN WALLER,
COLLIN M'KINNEY,
A. BRIGHAM,
A. H. LATIMORE,
JOHN S. D. BYROM,
JAMES POWER,
FRANCIS RUIS,
SAM. HOUSTON,
J. ANTONIO NAVARRO,
EDWARD CONRAD,
WILLIAM D. LACY,
MARTIN PALMER,
WILLIAM MENIFEE,
JAMES GAINES,
JOHN FISHER,
WILLIAM CLARK, JUN.,
MATTHEW CALDWELL,
SYDNEY O. PENNINGTON,
WILLIAM MOTLEY,
SAMUEL P. CARSON,
LORENZO D. ZAVALA,
THOMAS J. RUSK,
GEORGE W. SMITH,
WILLIAM C. CRAWFORD,
STEPHEN H. EVERETT,
JOHN TURNER,
ELIJAH STEPP,
BENJ. B. GOODRICH,
CLAIBORNE WEST,
JAMES G. SWISHER,
WILLIAM B. LEATES,
GEORGE WM. BARNET,
M. B. MENARD,
JESSE GRIMES,
A. B. HARDIN,
E. O. LEGRAND,
JOHN W. BUNTON,
DAVID THOMAS,
THOMAS J. GAZLEY,
S. RHOADS FISHER,
R. M. COLEMAN,
JOHN W. BOWER,
STERLING C. ROBERTSON,
J. B. WOODS,
GEORGE C. CHILDRESS,
A. BRISCOE,
BAILY HARDIMAN,
THOMAS BARNETT,
ROBERT POTTER,
JESSE B. BADGETT,
CHARLES TAYLOR,
STEPHEN W. BLOUNT.

I do hereby certify, that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

Given under my hand, this 17th day of March, 1836.

(Attest.) H. S. KIMBLE, *Sec. of the Convention.*

APPENDIX.—N°.VIII.

ANGLO-TEXAN LEGISLATION.

LIST OF THE

GENERAL ORDINANCES AND DECREES

OF THE

PROVISIONAL GOVERNMENT OF TEXAS.

An ordinance making provision for the army now in the field.

An ordinance and decree regulating offices under the Provisional Government.

An ordinance declaring the mode of passing, signing, and publishing the Ordinances, Decrees, and Resolutions of the Provisional Government of Texas.

An ordinance and decree authorising certain officers to administer the Oath of Office prescribed by the Organic Law, creating a Provisional Government of Texas.

An ordinance to authorise and empower Thomas F. M'Kinney, of Velasco, to borrow one hundred thousand dollars; and making it the duty of the Governor to give him corresponding commission, instruction, &c.

An ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas.

An ordinance and decree to establish and organise a Corps of Rangers.

An ordinance and decree to raise a regular army.

An ordinance and decree for granting Letters of Marque and Reprisal.

An ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive and two Chief Clerks; defining their several duties, &c.

An ordinance and decree establishing a Navy.

An ordinance regulating the Militia.

An ordinance and decree for advancing the sum of fifteen hundred dollars for the benefit of the Volunteer Army of the people, under the command of General S. F. Austin, and other purposes.

An ordinance appointing a Commissary to take charge of volunteers for the army, and defining his duties.

An ordinance and decree supplementary to "An ordinance and decree, appointing a Commissary to take charge of the volunteers of the army, and defining his duties;" passed November 27th, 1835.

An ordinance and decree to purchase munitions of war, provisions, arms, &c., for the army of Texas, and defence of the sea-coast.

An ordinance and decree to purchase provisions for the volunteer army of the people of Texas.

An ordinance and decree supplementary to an ordinance and decree, entitled "An ordinance and decree, granting Letters of Marque and Reprisal," dated November 25th, 1835.

An ordinance and decree authorising and requiring the Governor to appoint a Commissioner in the several municipalities to administer oaths, &c.

An ordinance and decree authorising the Governor to grant registers to vessels.

An ordinance and decree for supplying the Army of the people, now in the field before Bexar, with money, and for other purposes.

An ordinance and decree to raise a loan for the use of the provisional government of Texas.

An ordinance creating a municipality off, and from the west side of the present Municipality of Matagorda, to be called the municipality of Jackson.

Resolution relating to rank of officers in the regular army.

Resolution authorising the Commander-in-Chief to accept the services of five thousand auxiliary volunteers, and for other purposes.

Resolution authorising the treasurer to draw on the Commissioners at New Orleans.

Supplement to an ordinance and decree entitled, "an ordinance and decree establishing and imposing duties of imports and tonnage, and for other purposes."

An ordinance and decree increasing the bounty to soldiers of the regular army.

Resolution appointing Thomas F. M'Kinney agent, &c.

An ordinance and decree for creating the municipality of Sabine, and for organising the same.

An ordinance and decree for sequestrating and securing the wreck and cargo of the schooner Hannah Elizabeth, and instituting an inquiry respecting the same; and for other purposes.

An ordinance and decree augmenting the regular army by creating a legion of cavalry.

An ordinance and decree creating the office of Commissary-General, and regulating the offices of Paymaster and Quartermaster-General.

An ordinance and decree making an appropriation for the regular army, and for other purposes.

Resolution appointing commissioners to treat with the Cherokee Indians, &c.

Resolution for instructing commissioners appointed to treat with the Cherokee Indians, and their associate bands.

Resolution changing the name of the municipality and Town of Viesca to Milam.

Resolution authorising all commissioned officers to administer the oath prescribed by law to persons enlisting.

An ordinance and decree creating the officers of auditor and comptroller of public accounts for Texas.

An ordinance and decree establishing and imposing duties on importations and tonnage, and for other purposes.

An ordinance and decree to organise and establish an auxiliary volunteer corps to the army of Texas, and for other purposes.

Resolution authorising W. Pettus to purchase certain articles for the use of the volunteer army now in the field.

An ordinance and decree designating the boundaries of the municipality of Jefferson, and for other purposes.

An ordinance and decree authorising and requiring the governor to give instructions to commissioners to the United States of the North.

An ordinance confirming the appointment of Colonel William Pettus, as contractor for the volunteer army, near Bexar.

A Resolution authorising the commanding general to send one or two agents, &c., with the commissioners to the United States, &c.

A resolution authorising the commissioners to the United States to divide the deposit between the Union Bank of Louisiana and the Bank of Orleans.

Resolution authorising our Foreign agents to receive donations for Texas.

Resolution relative to General Mexia.

An ordinance and decree to provide for the outfit and contingent expenses of our foreign agents to the United States of America.

Resolution relating to the prisoners taken at Goliad.

An ordinance and decree for creating a general post-office.

Resolution directing the governor to instruct our Foreign agents, &c.

A resolution for calling a Convention.

An ordinance and decree granting a bounty of land to certain volunteers in the army of the people of Texas.

An ordinance and decree establishing and imposing duties on imports and tonnage, and for other purposes.

An ordinance and decree appointing collectors of public dues, and defining their duties.

An ordinance and decree defining the boundary of the municipality of Harrisburg, and for other purposes.

Resolution requiring the chairman of committee of finance to act as comptroller of public accounts, *pro tem.*, in case of that office being vacated.

An ordinance and decree to prevent the importation and emigration of free negroes and mulattoes into Texas.

An ordinance and decree prescribing the manner in which

all claims held against the Provisional Government of Texas, of any kind whatever, by the officers, non-commissioned officers, and privates of the volunteer army of the people, shall be presented for payment; and also, to prevent fraud and imposition upon the Government.

An ordinance and decree authorising and commissioning Thomas J. Chambers to raise an army, &c., to be called "The Army of Reserve, for the protection of the liberties of Texas," and for other purposes.

An ordinance and decree authorising and empowering Thomas F. M'Kinney and Samuel M. Williams, of the firm of M'Kinney and Williams, to effect a loan of one hundred thousand dollars, and for other purposes.

An ordinance and decree authorising the purchase of certain armed vessels of M'Kinney and Williams, and regulating the Naval service.

An ordinance and decree for the better accommodation of the claims against the Government of Texas.

An ordinance and decree creating a new municipality, to be called Colorado, and for organizing the same.

An ordinance and decree supplemental to "An ordinance and decree appointing a collector of public dues, and defining his duties."

Resolution providing for the troops at Bexar.

An ordinance and decree entitled, "An ordinance and decree for opening the several courts of justice, appointing clerks, prosecuting attorneys, and defining their duties," &c.

Resolutions appointing commissioners to treat with the Comanche Indians.

Resolution requiring the late Governor, Henry Smith, to deliver up the papers, records, &c., of the Executive department, and for other purposes.

Resolution for appointing a committee of finance, and defining its duties.

Resolution for appointing an advisory committee of the council, and for other purposes.

Resolution giving certain powers to the acting governor, in the event of there not being a quorum of the council present.

An ordinance and decree creating the office of Marshal of Texas, and defining his duties.

Executive ordinance.

Acts and Joint Resolutions of the Congress of the Republic of Texas in 1836 and 1837.

An act authorising the President of the Republic to appoint his cabinet officers.

Joint resolution recognising the orders of Gen. T. J. Rusk, relative to certain mail routes and carriers.

Joint resolution for sending a minister to the United States.

An act providing for the increase of the navy.

An act providing rations and other comforts for soldiers, and widows of soldiers, at the town of Columbia.

An act to authorise the President to negotiate a loan on the bonds of the Government not exceeding five million dollars.

Joint resolution explaining the different acts in relation to volunteers, and extending the acts relating to bounty lands.

An act for establishing rules and articles for the government of the armies of the Republic of Texas.

Joint resolution prescribing the oaths of office.

Joint resolution authorising the President to re-organise the army.

An act to protect the frontier.

An act to provide for the national defence by organising the militia.

An act compensating officers of the civil list.

An act relinquishing to Michael B. Menard and others one league and labor of land on the east end of Galveston Island.

An act adopting a national seal and standard for the Republic of Texas.

An act establishing an agency in the city of Mobile.

An act defining the pay of mounted riflemen, now and hereafter in the ranging service on the frontier.

Joint resolution authorising the President to negotiate a loan for twenty thousand dollars.

Joint resolution authorising the President to issue scrip to the amount of five hundred thousand acres of land.

Joint resolution defining the duties of the heads of departments of government.

An act locating temporarily the seat of government.

An act to establish and organise the supreme court, and to define the powers and jurisdiction thereof.

An act making appropriations for paying the expenses of the government of Texas.

An act establishing regulations and instructions for the government of the naval service of Texas.

An act to incorporate the Texas Rail-road, Navigation, and Banking Company.

Joint resolution requiring the justices of the county courts to inform the Secretary of State concerning the boundaries of their respective counties.

An act to define the boundaries of the Republic of Texas.

An act authorising the printing and publishing the laws of the Provisional Government, the acts of the Convention of March last, and the present congress.

Joint resolutions making specific appropriations.

An act establishing fees of office.

An act organising justices' courts and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of roads and revenue.

An act to raise a revenue by import duties.

An act organising the inferior courts, and defining the powers and jurisdiction of the same.

An act supplementary to an act organising the inferior courts, and defining the powers and jurisdictions of the same.

An act authorising and requiring county courts to regulate roads, appoint overseers, and establish ferries, &c.

An act to organise and fix the military establishment of the Republic of Texas.

An act creating a general post-office, &c.

An act for the election of sheriffs, coroners, and constables, and defining their several duties.

An act punishing crimes and misdemeanors.

Joint resolutions for the relief of the late comptroller and

the clerks of the different departments, under the government *ad interim*.

An act appropriating lands, to keep in operation the post-office department, during the year 1837.

An act supplementary to an act for the punishment of crimes and misdemeanors.

An act establishing the jurisdiction and powers of the district courts.

Joint resolution allowing pay to chaplains.

An act regulating estrays.

An act to establish a general land office for the Republic of Texas.

An act locating the seat of justice for the county of Harrisburg, and other purposes.

Joint resolution authorising the President to receive forty thousand volunteers.

Joint resolution requesting the President to appoint an agent to the court of Great Britain.

An act to suppress gambling.

Joint resolution requiring the President to appoint a secretary of legation to the embassy to England.

Joint resolution for the relief of free persons of colour.

Joint resolution relating to election for the depopulated districts.

An act to legalise certain marriages; to provide for the celebration of marriages, and for other purposes.

Joint resolution respecting mail routes.

An act to incorporate the trustees of Independence Academy, and of the University of San Augustine.

An act to incorporate the trustees of Washington College.

An act to incorporate the town of Nacogdoches and other towns herein named.

Joint resolution requiring the attorney-general to report to the next session of Congress.

An act to regulate the pay of pursers in the navy.

Joint resolution for the amendment of the militia law.

An act to authorise the consolidation and funding of the public debt.

An act concerning the fees of sheriffs, constables, and solicitors.

Joint resolution authorising the President to leave the seat of government for the space of thirty days, to organise the corps of mounted gun men.

An act for the incorporation of the town of Liberty.

Joint resolution authorising the sheriffs of the different counties of this Republic to rent or lease houses, employ guards, &c.

Joint resolution defining the powers of the commissioners of roads and revenue.

An act to prescribe the mode of holding courts of admiralty.

Joint resolution for all agents of government to give security for the faithful performance of their duties.

Joint resolution respecting fees of attorneys.

An act supplementary to an act establishing the county of Houston.

An act authorising the issuing the promissory notes of the government.

Joint resolution authorising the President to send an agent to the United States, to settle with the agents for land scrip.

An act to raise a public revenue by import duties.

An act to raise a public revenue by direct taxation.

Joint resolution for publishing the laws and journals.

An act supplementary to an act entitled "An act to establish a general land-office for the Republic of Texas," passed December 22nd, 1836.

An act supplementary to an act entitled "An act supplementary to an act establishing a general land-office in the Republic of Texas, passed December 22nd, 1836."

An act authorising the President to call out the militia.

An act to dispose of Galveston and other Islands of the Republic of Texas.

Joint resolution for employing extra clerks in the auditor's office.

Joint resolution for the benefit of Texan prisoners taken by the Mexicans.

An act establishing the county of Houston.

An act to authorise the President to appoint a Commissioner to run the boundary line between the United States of America and the Republic of Texas.

An act for the relief of ministers of the Gospel.

An act supplementary to the several acts organising the respective counties of this Republic.

An act to authorise justices of the county courts to act as judges of probate and notaries public in certain cases.

An act for the better protection of the northern frontier.

A resolution regulating the meeting of Congress.

Joint resolution in regard to the payment of district judges.

Joint resolution to suspend the operations of the land-office until the further action of Congress.

Joint resolution making an appropriation to pay the public printers.

Joint resolution making appropriation of moneys for the use of the Hospital.

Joint resolution locating permanently the seat of government.

Joint resolution authorising Wm. G. Cooke to sign the name of the President to the promissory notes of the Government.

An act regulating elections.

Joint resolution requiring the chief justice of the county of Brazoria to issue writs of election.

An act authorising an appropriation for the Post-Office.

Joint resolution to authorise the secretary of war to grant discharges.

Joint resolution granting letters of marque and reprisal.

An act to incorporate the town of Shelbyville, and granting further powers to the corporations of San Augustine and Nacogdoches.

An act for augmenting the Navy, and making an appropriation therefor.

An act regulating the proceedings before justices of the peace.

Joint resolution requiring the secretary of war to execute certain duties.

An act to provide for auditing contingent expenses of both Houses of Congress, and making appropriation therefor.

An act to provide for the appointment of notaries public.

An act to incorporate the town of Brazoria.

An act appropriating money for the purchase of a house for the use of the President.

An act to incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange.

An act fixing the salary of Indian commissioners.

An act amendatory of the several acts and ordinances granting bounty lands.

Joint resolution making appropriations for the general land-office, and to defray the contingent expenses of both Houses of Congress.

An act to incorporate the Colorado Navigation Company.

An act creating the county of Montgomery.

An act regulating the time of holding district courts of Brazoria, Matagorda, and Jackson counties.

An act to establish the county of Fayette.

An act incorporating the city of San Antonio and other towns therein named.

An act to create a board of medical censors for the Republic of Texas.

Joint resolution to compensate the commissioners appointed to select a site for the seat of government.

An act to define the boundaries of the county of Gonzales.

An act to provide for the punishment of crimes and misdemeanors committed by slaves and free persons of colour.

Joint resolution concerning the public archives.

Joint resolution authorising the treasurer of the Republic to issue change notes.

An act to clear out the rivers Attoyac, Angelina and Neches.

An act to prevent the issuing of individual printed or lithographed notes.

An act to define the boundaries of the county of Shelby.

An act to define the boundaries of the county of Washington.

An act to incorporate the town of Matagorda.

Joint resolution for the purchase of the steamer Pulaski.

An act to pay the officers and soldiers of the army and navy.

An act supplementary to "An act to pay the officers, soldiers and sailors of the army and navy."

An act to define the boundaries of the counties of San Augustine and Sabine.

An act creating the county of Fannin.

Joint resolution locating permanently the seat of justice for the county of Brazoria.

An act to define the boundaries of Jasper county.

An act creating the county of Robertson.

An act to sustain the currency of the country.

An act to prohibit the further sale of land scrip.

An act to require the district judges to preside permanently in their proper districts, and for other purposes.

Joint resolution to select a committee of five, &c. to locate the seat of government.

An act precluding aliens from being appointed to office.

An act entitled "An act to reduce into one act, and to amend the several acts relating to the establishment of a General Land-Office."

An act to incorporate the Texas Steam Mill Company.

An act supplementary to an act to appoint a board of medical censors.

An act to incorporate the town of Mina.

An act to amend the act entitled "An act to raise a revenue by import duties."

An act to incorporate the Brazoria Insurance Company.

An act to define the boundaries of the county of Liberty.

An act supplementary to an act entitled "An act to organise the militia of this Republic."

An act to encourage steam navigation.

An act to amend the several laws regulating the post-office department.

An act relating to the pay and allowances of the officers and soldiers of the army.

An act to define the boundaries of the county of Red River.

Joint resolution altering the name of the county and town of Mina.

Joint resolution relative to Consulates.

An act to define the boundaries of the county of Mina.

An act to provide for the publication of the laws and journals of the Republic of Texas.

An act making provisions for persons who have been permanently disabled in the service of Texas.

An act amending the judiciary laws of the Republic.

An act to provide for taking testimony by interrogatories.

An act to authorise the Postmaster-general to establish a post route.

Joint resolution to translate the laws of the Republic into the Castilian language.

Joint resolution authorising F. R. Lubbock to procure cisterns for the use of the capitol.

Joint resolution for appointing two legal gentlemen to compile a judicial code of laws for the Republic of Texas.

An act to authorise the judges of the district courts to hold special terms in certain cases therein named.

An act authorising persons to dispose of property by will.

An act to create a justice of the peace and constable for Galveston Island.

An act granting lands to those who were in the battle of San Jacinto and other battles.

An act to define the boundaries of the county of Jefferson.

An act to authorise the clerks of the several courts to appoint deputies, and requiring them to keep their offices at the county seat.

An act supplementary to an act to incorporate the Colorado Navigation Company.

An act supplementary to an act to raise a public revenue by direct taxation.

Joint resolution providing for the purchase of provisions and munitions of war.

Joint resolution respecting county surveyors.

An act to incorporate the city of Houston and other towns therein named.

Joint resolution incorporating the town of Columbia.

An act to create the county of Fort Bend.

An act to regulate proceedings of the several courts in certain cases.

An act defining the boundaries of the county of Jackson.

Joint resolution to incorporate certain towns therein named.

Public Acts and Joint Resolutions of the Congress of Texas in 1838 and 1839.

An act securing the right of appeal.

An act to repeal a part of an act incorporating the town of Gonzales.

An act supplementary to an act creating the county of Fayette.

An act providing for the removal of county seats of justice.

A bill to repeal a certain act therein named.

Joint resolution authorising the President and Commissioner of the General Land Office to issue titles to purchasers of lots on Galveston Island.

A bill to create and define the senatorial districts of Austin, Colorado, and Fort Bend.

An act to incorporate the Caney Navigation Company.

An act authorising the President to appoint notaries public.

An act to authorise the President to raise a corps of cavalry.

An act to provide for the foreclosing of mortgages on real and personal estates.

An act establishing the county of Galveston.

An act authorising the payment of the interest of the funded debt.

An act to authorise the President to negotiate a loan on the bonds of the Government, not exceeding five millions of dollars.

Joint resolution appropriating 500 dollars for purchasing a set of astronomical instruments.

Joint resolution relative to the claims of officers and soldiers of the army.

An act providing for the location of land scrip issued by an act of Congress, dated the 6th day of December, 1836, and for redeeming the same.

An act for the relief of persons therein named.

An act to provide for the settlement of deceased soldiers' estates.

An act supplementary to an act to raise a public revenue by import duties.

An act to authorise the President to re-issue the promissory notes of the Government as they return into the Treasury, and making special appropriations.

An act appointing pilots.

An act establishing a mail route from Galveston to Matagorda and Texana.

An act providing for the punishment of offences in depopulated counties.

An act providing for the payment of the first loan to Texas.

An act to amend an act incorporating the city of San Antonio and other towns.

An act to amend an act entitled an act establishing District Courts.

Joint resolution fixing the dividing line between the counties of Bexar and San Patricio.

Joint resolution establishing certain mail routes therein named.

An act supplementary to an act providing for the location of land scrip, issued under the act of Congress dated 6th December, 1836, and for redeeming the same.

Charter of Galveston and Brazos rail-road.

An act to amend the direct tax law.

An act respecting the abatement of suits, &c.

An act supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles.

An act to define the boundary line of the county of Montgomery.

An act supplementary to an act entitled an act to authorise the clerks of the several courts to appoint deputies, approved Dec. 21, 1837.

An act defining the boundaries of the counties of Bastrop and Gonzales.

An act better to define the duties of sheriffs.

Joint resolution providing for issuing certificates of head-

rights to the heirs of those who fell with or under Fannin, Travis, Grant, and Johnson.

An act defining the boundaries of Austin County.

An act relative to the duties of the collector of the port of Velasco.

An act appointing Commissioners to view and mark out a road from Bastrop to Red River.

Joint resolution appropriating money for the protection of the frontier.

Joint resolution authorising the President to draw funds for transporting arms, munitions, troops, &c., &c.

Joint resolution requiring the President to grant commissions.

An act authorising the President to issue the promissory notes of the Government.

Joint resolutions legalising commissions of military officers, &c.

An act entitled an act to authorise the judge of the first judicial district to hold a special term of the district court in the county of San Augustine.

Joint resolution authorising the President to renew the lease of the Capitol.

Joint resolution requiring the treasurer to pay certain drafts therein named.

An act validating certain acts therein named.

An act making appropriation for the post office department.

Joint resolution requiring the secretary of war to discharge certain soldiers therein named.

An act appropriating 5000 dollars for the contingent expenses of both Houses of Congress.

An act to amend an act entitled an act amending the judiciary laws of the Republic, approved Dec. 1837.

An act entitled an act to change a certain post route therein named.

An act to incorporate the Neches Steam Mill Company.

An act to incorporate the town of Beaumont and the town of Jasper.

An act to exempt from direct taxation certain citizens of certain counties.

Joint resolution for the relief of Antonio Manchaca.

An act to incorporate the towns of Milam and Zavala.

An act to establish a mail route from the city of Houston to the town of San Augustine, by way of Captain Hiram's on the Trinity river, Belt's ferry on the river Neches, and Nathaniel Hunt's on the Ayish Bayou.

An act entitled an act to amend an act to provide for the settlement of deceased soldiers' estates, approved May 17, 1838.

An act to incorporate the Bastrop Steam Mill Company.

An act entitled an act to amend an ordinance entitled an ordinance granting bounties of land to volunteers.

An act defining the place for the receipt of land dues.

An act entitled an act for the further protection of the frontier against the Comanche and other Indians.

An act entitled an act for the protection of a portion of the frontier.

An act entitled an act to authorise the first auditor to audit the claims created under the command of Major-General Thomas J. Rusk and others, in a campaign against the hostile Mexicans and Indians, in the year 1838.

An act to incorporate the town of Raleigh in Fannin county.

An act entitled an act to extend to late emigrants, or those who may emigrate within a specified time, a donation of land.

An act confirming the contract of Messrs. Williams and Burnley for the purchase of a steam-vessel.

Joint resolution for the punishment of vagrants.

An act entitled an act to have the seat of justice of Fannin county permanently located.

An act to repeal an act entitled an act to encourage steam navigation.

An act for the better defining the dividing line between the counties of Austin and Fort Bend, west of the Brazos.

An act entitled an act for the location of the seat of government.

An act to authorise the raising of a company of men for the ranging service.

Joint resolution appropriating two thousand dollars for Indian purposes.

An act entitled an act fixing the standard of silver and gold coin in this republic.

An act entitled an act to authorise the commissioner of the general land-office to receive the government dues on land.

An act to punish certain offences therein named.

An act to incorporate the towns of Comanche and Waterloo.

An act the better to define the duties of recorders.

An act to prohibit the driving of cattle from that part of the country west of the Guadalupe.

An act to establish a mail route from Clarksville to Shelton.

An act supplementary to an act entitled an act for establishing fees of office.

An act entitled an act to define the time of holding Justice Courts.

An act entitled an act supplementary to the judiciary laws of this Republic.

An act entitled an act to define the time of sheriffs' sales and the manner of advertising.

An act to establish a port of entry to be called La Baca.

An act to provide for the raising of three companies of mounted volunteers for frontier service against the hostile Indians.

Joint resolution providing for the printing of the rules and regulations of the army of this Republic.

Joint resolution supplementary to the joint resolution for appointing two legal gentlemen to compile a code of laws for the Republic of Texas.

An act authorising the auditors to discharge certain duties.

An act entitled an act to compel all government officers to receive the promissory notes of the government for all dues that may accrue to them in the discharge of the duties of their office.

An act to be entitled an act giving to the President the power to fill vacancies.

An act appropriating money to defray the expenses of the various departments of the government.

An act to authorise the President to appoint a private secretary.

An act to appropriate one million of dollars for the protection of the frontier and other purposes.

Joint resolution making an appropriation for the President's house.

Joint resolution making an appropriation for the purchase of a library for the Republic of Texas.

An act requesting the Treasurer to pay the salaries of clerks monthly.

An act amending the act entitled an act adopting a national seal and standard for the Republic of Texas. Approved 10th December, 1836.

An act supplementary to the several acts for reorganising the militia.

An act entitled an act to repeal certain parts of an act organising the inferior courts, and defining the powers and jurisdiction of the same.

An act entitled an act for the raising of certain troops therein named.

Joint resolution prescribing the mode of paying troops.

An act to incorporate the city of Houston, and other cities therein named.

An act entitled an act regulating attachments.

An act securing patent rights to inventors.

An act authorising the county and district courts to render judgments when the verdict of the jury is less than the jurisdiction of the same in certain cases.

An act amending an act supplementary to an act entitled an act to reduce into one act and amend the several acts relating to the establishment of a general land-office.

An act requiring the secretary of the navy to have surveyed the bars and passages of the bays and harbours of Texas.

Joint resolution to prevent clerks or deputy clerks from becoming administrators in certain cases.

An act declaring certain children legitimate therein named.

An act to require the plea of "*non est factum*" to be filed under oath in certain cases.

Joint resolution allowing pay for copying the journals of the Senate, for the fall and spring session of 1837 and 1838.

Joint resolution authorising the President to open a trade between the inhabitants of Western Texas and the Mexicans on the Rio Grande.

An act supplementary to an act incorporating the city of San Antonio, and other towns therein named.

An act to incorporate the towns of La Grange and Rutersville.

An act fixing the salary of the Texan minister at France.

Joint resolution appropriating fifteen thousand dollars for the Post-Office department.

An act changing the time of holding the county court of Shelby county and Jasper county.

An act entitled an act to define the duties of constables.

An act entitled an act to facilitate the adjustment of donation claims.

Joint resolution making a permanent seat of justice in Robertson county.

An act entitled an act to exempt certain property therein named from execution.

Joint resolution approving of the employment of friendly Indians in our service, and providing for their pay.

An act entitled an act to amend an act relative to Probate courts.

An act entitled an act for the establishing of a post route from San Augustine to Fort Caddo.

An act legalising the acts of the comptroller of the stock fund.

An act entitled an act making appropriations for the Naval service for the year 1839.

An act entitled an act to incorporate the Houston and Brazos railroad company.

An act entitled an act appropriating certain lands for the establishment of a general system of education.

An act entitled an act regulating the license and practice of attorneys.

An act to authorise the commissioner of the general land-office to employ two additional clerks.

An act supplementary to an act entitled an act to raise a revenue by direct taxation.

An act to establish and incorporate the college of De Kalb.

An act entitled an act to appoint commissioners to take charge of the property of those engaged in the late rebellion in the county of Nacogdoches, and for other purposes.

An act entitled an act defining dowers.

An act entitled an act for the collection of the amounts due on judgments of the supreme, district, and county courts.

Joint resolution requiring the secretary of the treasury to pay to the paymaster of the first regiment, second brigade, Texas militia, twenty thousand dollars, appropriated for men called for by General Rusk.

An act to change the time of holding the fall term of the district court in Harrisburg county, and to amend the thirty-second section of an act establishing the jurisdiction and powers of the district courts.

An act to create and establish the county of Harrison.

An act entitled an act for the permanent location of the seat of government.

An act to provide for the punishment of horse thieves.

Public Acts and Joint Resolutions passed by the Fourth Congress, commencing the 11th November, 1839.

An act to carry into effect the convention between Texas and the United States, for marking the boundary line between them. Approved 23rd Nov., 1839.

An act to define the boundaries of the county of Fannin. Approved 28th Nov., 1839.

An act designating the returnable officers of the senatorial district of Milam and Robertson counties. Approved 13th Dec., 1839.

An act for the appointment of assessing officers. Approved 13th Dec., 1839.

An act for the permanent location of the port of entry in the district of Aransas. Approved 13th Dec., 1839.

An act to incorporate the town of Beaumont. Approved 14th Dec., 1839.

An act granting an extension of time to certain officers in Robertson county. Approved 14th Dec., 1839.

An act to locate a road from Washington to the Sabine river. Approved 14th Dec., 1839.

An act better to define the boundaries of the county of Galveston. Approved 16th Dec., 1839.

An act to repeal in part an act entitled an act incorporating the city of San Antonio and other towns, approved 24th May, 1838. Approved 17th Dec., 1839.

Joint resolution to pay off the mail contracts for the year 1839. Approved 19th Dec., 1839.

Joint resolution establishing a mail route therein named, and to discontinue certain mail routes. Approved 18th Dec., 1839.

An act to provide for the more certain operations of the sinking fund, &c. Approved 19th Dec., 1839.

Joint resolution requiring the Postmaster-General not to contract for carrying the mail from Austin to Houston. Approved 21st Dec., 1839.

Joint resolution authorising James Hamilton to take the oath of allegiance, and to become a citizen of the republic of Texas. Approved 21st Dec., 1839.

An act to provide for the renewing of the security of county surveyors. Approved 25th Dec., 1839.

An act to incorporate the city of Austin. Approved 27th Dec., 1839.

An act appropriating five thousand dollars for the contingent expenses of both Houses of Congress. Approved 27th Dec., 1839.

An act to authorise Wiley Martin to emancipate his slave Peter. Approved 3rd January, 1840.

An act naming the returning officer for the senatorial district composed of the counties of Red River and Fannin. Approved 28th Dec., 1839.

An act supplementary to an act to have the seat of justice

of Fannin county permanently located. Approved 28th Dec., 1839.

An act to amend the act of incorporation of the town of Velasco. Approved 1st Jan., 1840.

An act supplementary to an act for the incorporation of the town of Liberty. Approved 1st Jan., 1840.

An act to establish a mail route to Bexar. Approved 1st Jan., 1840.

An act to incorporate the trustees of the Union Academy, in the county of Washington. Approved 4th Jan., 1840.

A joint resolution for the survey and sale of the Austin town tract. Approved 6th Jan., 1840.

An act to amend the charter of the Brazos and Galveston railroad company. Approved 6th Jan., 1840.

An act providing for the erection of lighthouses. Approved 7th Jan., 1840.

An act to incorporate the town of Texana. Approved 14th Jan., 1840.

An act for the payment of persons for military services heretofore rendered. Approved 14th Jan., 1840.

An act supplementary to an act to amend the several laws regulating the post-office department. Approved 14th Jan., 1840.

An act to prescribe the method of proceeding to obtain the benefit of the writ of *habeas corpus*. Approved 14th Jan., 1840.

An act to prescribe the mode of appointing district attorneys,—fixing the term of their office, and their salaries and perquisites. Approved 14th Jan., 1840.

Joint resolution for the payment of the troops who served in the years 1838 and 1839. Approved 14th Jan., 1840.

An act authorising the President to have surveyed a reserve of land for the Coshatta and Alabama Indians. Approved 14th Jan., 1840.

An act defining the compensation of collectors of customs and of the clerks employed at the several custom-houses. Approved 16th Jan., 1840.

An act defining the time at which laws passed by Congress

shall go into effect, and disclosing the manner in which the same shall be promulgated. Approved 16th Jan., 1840.

Joint resolution granting to the President power to appoint additional counsel, if necessary. Approved 16th Jan., 1840.

An act authorising Varlan Richardson to construct a bridge across the Guadalupe river, at or near Victoria. Approved 18th Jan., 1840.

Joint resolution appropriating five thousand dollars to defray the expenses of marking the boundary line between Texas and the United States of the north. Approved 18th Jan., 1840.

An act to regulate interest. Approved 18th Jan., 1840.

An act to prevent frauds and fraudulent conveyances. Approved 18th Jan., 1840.

An act repealing part of the several acts for the permanent location of the seat of Government. Approved 21st Jan., 1840.

An act to adopt the common law of England, to repeal certain Mexican laws, and to regulate the marital rights of parties. Approved 21st Jan., 1840.

An act to dispense with the necessity of protesting negotiable instruments for dishonour, and of giving notice thereof, and to regulate assignments of all written instruments. Approved Jan. 25th, 1840.

An act to create the office of *charge d'affaires*, and to regulate diplomatic intercourse with foreign nations. Approved Jan. 25th, 1840.

Joint resolution repealing certain mail routes therein named. Approved Jan. 25th, 1840.

An act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants. Vetoed by the President. Passed both houses by a constitutional majority, Jan. 29th, 1840.

An act to incorporate the Trinity coal and mining company. Approved Jan. 25th, 1840.

An act authorising the President to redeem prisoners from Indian captivity. Approved Jan. 25th, 1840.

Joint resolution appropriating three thousand ——— hundred and forty dollars and sixty cents, as indemntiy for the

capture and detention of the British schooner Eliza Russell. Approved Jan. 25th, 1840.

An act providing for the better dissemination of the laws. Approved Jan. 25th, 1840.

An act to authorise Carey, a freeman of colour, to remain within the Republic of Texas. Approved Jan. 25th, 1840.

An act for the benefit of Albert Mitchell, a free boy of colour. Approved Jan. 25th, 1840.

An act to suppress duelling. Approved Jan. 28th, 1840.

An act defining lawful enclosures, and for other purposes. Approved Jan. 25th, 1840.

An act to define the boundaries of the county of Montgomery. Approved Jan. 25th, 1840.

An act to create a chamber of commerce in the cities of Matagorda and Houston. Approved Jan. 28th, 1840.

Joint resolution for the exchange or redemption of certain promissory notes. Approved Jan. 28th, 1840.

An act to authorise the erection of public buildings. Approved Jan. 28th, 1840.

An act concerning wills. Approved Jan. 28th, 1840.

An act to regulate the descent and distribution of intestates' estates. Approved Jan. 28th, 1840.

An act supplementary to an act providing for the payment of persons for military services heretofore rendered. Approved Jan. 14th, 1840, and better to define the duties of the first and second auditors.

Joint resolution for the appropriation of 6000 dollars, for payment of extra allowances, &c.

Joint resolution defining the rank of Paymaster-General.

An act to raise a company of mounted gunmen to be called Fannin Guards.

An act to compel the surveyors of the several counties of this Republic to make out and return maps of their respective counties.

An act to create a justice of the peace and constable for the lower part of Jasper county.

An act to prohibit the driving of cattle and hogs from the Cherokee country or killing the same therein.

An act to annex a part of Washington county to the county of Milam, and for other purposes.

An act to sectionise and sell the lands formerly reserved for and occupied by the Cherokee Indians.

To legalise acts of the old board of Land Commissioners in the county of Red River.

An act allowing discounts and sets-off.

An act to establish the method of trying the right of property levied on by execution, when the property is claimed by any person not a party to such execution.

Joint resolution granting permission of absence to the judge of the third judicial district.

An act authorising the issuing duplicate land warrants, discharges and certificates.

An act to organise the several judicial districts, and to create the 6th and 7th.

An act to provide for the return of surveys for the collection of Government dues on land, and for other purposes.

An act to incorporate the Milam Guards in the city of Houston.

An act requiring retailers of spirituous liquors to pay license.

An act to suppress gaming.

An act to incorporate the city of Matagorda.

An act to prevent admissions made by an agent or attorney of the Republic from operating to the prejudice thereof.

An act to provide and establish the warehousing system in the ports of this Republic.

Joint resolution for the relief of the Postmaster-General, and heads of bureau.

An act to authorise the Treasurer to extend the issue of change notes.

An act supplementary to an act requiring county courts to regulate roads, &c.

An act to exempt certain lands from the payment of certain debts therein named.

Joint resolution defining the mode of proof where no muster-roll exists.

An act for the incorporation of the city of Galveston.

An act to incorporate the towns of Victoria, Goliad, and Gonzales.

An act concerning free persons of colour.

An act to amend an act regulating estrays. Passed Dec. 1836.

An act concerning slaves.

Joint resolution to authorise the Commissioners of the 5,000,000 loan to raise money on pledge of a portion of the bonds.

An act to punish individuals concerned in making, selling, and locating fraudulent land certificates.

An act to provide for the payment of chief justices for organising the militia.

An act making appropriations for the support of the Government for the year 1840.

An act altering the several acts to raise a public revenue by import duties.

An act to amend the act entitled an act regulating the license and practice of attorneys.

An act for creating funds for the support of Government for the year 1840.

Joint resolution requiring the Postmaster-General to contract for the transportation of the mail between the cities of Galveston and Houston twice in each week.

An act concerning conveyancing.

An act to punish swindling, and other offences therein named.

Joint resolution appropriating money for defraying the expenses of supporting the Caddo Indians.

An act supplementary to an act entitled an act to incorporate the City of Houston and other cities therein named.

An act prohibiting the location of fraudulent land certificates.

Joint resolution appropriating land for the establishment of a hospital.

Joint resolution authorising the President to offer a reward of 1000 dollars for the arrest of any person who shall flee from justice.

An act supplementary to an act providing for the payment of persons for military services.

An act to enable part owners of land to obtain partition thereof, and for other purposes.

An act to organise a certain part of the County of Liberty for judicial and other purposes.

An act to provide a summary remedy to enable landlords or lessors to obtain possession of lands or tenements unlawfully detained or withheld by tenants.

An act supplementary to an act to provide for the protection of the northern and western frontier.

An act to provide the mode of trying titles to land.

An act regulating the duties of Probate Courts, and the settlement of successions.

An act to incorporate the Galveston Insurance Company.

An act regulating the distribution of the laws and journals.

An act defining the duties of the officers of the Treasury Department.

An act to raise a public revenue by direct taxation.

An act to provide for the redemption of the promissory notes of the Government, &c.

An act to provide for the running and marking the western line of the county of Travis.

An act to alter the time of holding the fall terms of the Courts in the 4th judicial districts.

An act concerning executions.

An act to amend and reduce into one act the several laws regulating the Post-Office department.

An act to regulate the proceedings in civil suits.

An act to fix the Navy establishment of the Republic of Texas.

An act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purpose of education.

An act for the protection of the revenue, and other purposes.

Joint resolution requiring one company of regular troops to be stationed at or near Fort Houston.

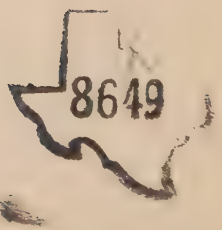
Joint resolution appropriating funds to purchase blank land patents.

An act to amend an act to provide for the foreclosing of mortgages on real and personal estates, approved 15th May, 1838.

An act to repeal certain acts therein named.*

* The acts noted as "approved" have received the sanction of the President, and passed into law.

THE END.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